

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership

Policy Number: M-3

Name: Code of Conduct and Harassment

Date Approved: June 2003

Authority: Board of Directors

Date Revised: Sept 2003, Oct 2005, Jan 2008,
May 2010, May 2016

Reference: SSI Bylaws Art. 5, Sect. 3 and *Canadian Bill of Rights*, Part 1, Par. 14 and SNC Harassment Policy

Swim Saskatchewan Inc. has adopted the Sask Sport Code of Conduct policy as required by Sask Sport Inc.

The behavior of all competitors, coaches, volunteers, officials and spectators at Swim Saskatchewan Inc. events will conform to the following Code of Conduct. Breaches in this Code will result in the penalties expressed in this policy.

The Rulebook of Swimming Canada will govern the conduct of all swim competitions sanctioned by SSI. For Masters competitions, the Masters Swimming Canada Rules, Procedures and Guidelines will supervene where applicable.

Definitions

1. The following terms have these meanings in this Code:
 - a) “*Association*” – Swim Saskatchewan Inc.
 - b) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
 - c) “*Harassment*” – Behaviour that constitutes harassment is defined in Section 7(b)
 - d) “*Workplace Harassment or Workplace Violence*” – Behaviour that constitutes workplace harassment and workplace violence is defined in Section 7(c)
 - e) “*Sexual harassment*” – Behaviour that constitutes sexual harassment and workplace violence is defined in Section 7(d)

Purpose

2. The purpose of this Code is to ensure a safe and positive environment by making Individuals aware that there is an expectation of appropriate behaviour consistent with this Code. The Association supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

Application of this Code

3. This Code applies to Individuals’ conduct during the Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association’s activities, the Association’s office environment, and any meetings.

4. This Code also applies to Individuals' conduct outside of the Association's business, activities, and events when such conduct adversely affects relationships within the Association and/or its Members (and its work and sport environment) and is detrimental to the image and reputation of the Association. Such jurisdiction will be determined by the Association at its sole discretion.
5. An Individual who violates this Code may be subject to sanctions pursuant to the Association's *Discipline and Complaints Policy*.
6. An employee of the Association found to have breached this Code will be subject to appropriate disciplinary action subject to the terms of the Association's Human Resources Policy, as well as the employee's Employment Agreement, as applicable. Violations could result in a warning, reprimand, access restrictions, suspension and other disciplinary actions up to and including termination of employment/contract.

Responsibilities

7. Individuals have a responsibility to:
 - a) Maintain and enhance the dignity and self-esteem of the Association members and other individuals by:
 - i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex, and sexual orientation
 - ii. Focusing comments or criticism appropriately and avoiding public criticism of Individual or the Association
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
 - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
 - v. Consistently treating individuals fairly and reasonably
 - vi. Ensuring adherence to the rules of the sport and the spirit of those rules
 - b) Refrain from any behaviour that constitutes harassment. Types of behaviour that constitute harassment include, but are not limited to:
 - a. Written or verbal abuse, threats, or outbursts
 - b. The display of visual material which is offensive or which one ought to know is offensive
 - c. Unwelcome remarks, jokes, comments, innuendo, or taunts
 - d. Leering or other suggestive or obscene gestures
 - e. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
 - f. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
 - g. Any form of hazing
 - h. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing

- i. Unwelcome sexual flirtations, advances, requests, or invitations
 - j. Physical or sexual assault
 - k. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
 - l. Retaliation or threats of retaliation against an individual who reports harassment
- c) Refrain from any behaviour that constitutes Workplace Harassment or Workplace Violence, where workplace harassment is defined as conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; and where workplace violence is defined as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace matters should not be confused with legitimate, reasonable management actions that are part of the normal work function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute workplace harassment or workplace violent include, but are not limited to:

Workplace Harassment

- i. Bullying
- ii. Repeated offensive or intimidating phone calls or emails
- iii. Inappropriate touching, advances, suggestions or requests
- iv. Displaying or circulating offensive pictures, photographs or materials
- v. Psychological abuse
- vi. Discrimination
- vii. Intimidating words or conduct (offensive jokes or innuendos)
- viii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning

Workplace Violence

- ix. Verbal threats to attack a worker
- x. Sending to or leaving threatening notes or emails
- xi. Making threatening physical gestures
- xii. Wielding a weapon
- xiii. Hitting, pinching or unwanted touching which is not accidental
- xiv. Blocking normal movement or physical interference, with or without the use of equipment
- xv. Sexual violence
- xvi. Any attempt to engage in the type of conduct outlined above

- d) Refrain from any behaviour that constitutes Sexual Harassment, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:
 - i. Sexist jokes
 - ii. Display of sexually offensive material
 - iii. Sexually degrading words used to describe a person
 - iv. Inquiries or comments about a person's sex life
 - v. Unwelcome sexual flirtations, advances, or propositions
 - vi. Persistent unwanted contact
- e) Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the Association adopts and adheres to the Canadian Anti-Doping Program. The Association will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Association or any other sport Association.
- f) Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES)
- g) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities
- h) Refrain from consuming alcohol, tobacco products, or recreational drugs while participating in Association programs, activities, competitions, or events. In the case of adults, avoid consuming alcohol in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the Association's events
- i) Respect the property of others and not willfully cause damage
- j) Adhere to all federal, provincial, municipal and host country laws
- k) Comply, at all times, with the Association's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time
- l) When driving a vehicle with an Individual:
 - i. Not have his or her license suspended
 - ii. Not be under the influence of alcohol, illegal drugs or substances
 - iii. Have valid car insurance
- m) Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.

Board/Committee Members

8. In addition to section 7 (above), Association's Directors and Committee Members will have additional responsibilities to:
 - a) Function primarily as a member of the board and/or committee(s) of Association; not as a member of any other particular member or constituency
 - b) Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the Association's business and the maintenance of Individuals' confidence
 - c) Ensure that the Association's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
 - d) Conduct themselves openly, professionally, lawfully and in good faith in the best interests of Association
 - e) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
 - f) Behave with decorum appropriate to both circumstance and position
 - g) Keep informed about the Association's activities, the provincial sport community, and general trends in the sectors in which they operate
 - h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the Association is incorporated
 - i) Respect the confidentiality appropriate to issues of a sensitive nature
 - j) Respect the decisions of the majority and resign if unable to do so
 - k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
 - l) Have a thorough knowledge and understanding of all Association governance documents
 - m) Conform to the bylaws and policies approved by Association

Coaches

9. In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
 - a) Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes
 - b) Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes
 - c) Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments
 - d) Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
 - e) Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs

- f) Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- g) Act in the best interest of the athlete's development as a whole person
- h) Comply with the Association's *Screening Policy, if applicable.*
- i) Report to the Association any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
- j) Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol and/or tobacco
- k) Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes
- l) Dress professionally, neatly, and inoffensively
- m) Use inoffensive language, taking into account the audience being addressed
- n) 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
- o) Not engage in a sexual relationship with an athlete under 18 years old, or an intimate or sexual relationship with an athlete over the age of 18 if the coach is in a position of power, trust, or authority over the athlete
- p) Refrain from using their power or authority to coerce another person to engage in or tolerate sexual or harmful activities.
- q) Refrain from conduct that causes physical or emotional harm to Individuals
- r) Prevent the use of power or authority in an attempt, successful or not, to coerce another person to engage in or tolerate sexual activity.

Athletes

10. In addition to section 7 (above), athletes will have additional responsibilities to:
- a) Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete; or in the case of carded athletes, interfere with the athlete's ability to fulfill their carded athlete requirements
 - b) Participate and appear on-time, well-nourished, and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
 - c) Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
 - d) Adhere to the Association's rules and requirements regarding clothing and equipment
 - e) Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators
 - f) Dress in a manner representative of the Association; focusing on neatness, cleanliness, and discretion
 - g) Act in accordance with the Association's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

Officials

11. In addition to section 7 (above), officials will have additional responsibilities to:
 - a) Maintain and update their knowledge of the rules and rules changes
 - b) Work within the boundaries of their position's description while supporting the work of other officials
 - c) Act as an ambassador of the Association by agreeing to enforce and abide by national and provincial rules and regulations
 - d) Take ownership of actions and decisions made while officiating
 - e) Respect the rights, dignity, and worth of all individuals
 - f) Not publicly criticize other officials or any club or the Association
 - g) Act openly, impartially, professionally, lawfully, and in good faith
 - h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings
 - i) Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals
 - j) Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or the Association at the earliest possible time
 - k) When writing reports, set out the true facts
 - l) Dress in proper attire for officiating

Parents/Guardians and Spectators

12. In addition to paragraph 7 above, Parents/Guardians and Spectators at events will:
 - a) Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence
 - b) Condemn the use of violence in any form
 - c) Never ridicule a participant for making a mistake during a performance or practice
 - d) Provide positive comments that motivate and encourage participants continued effort
 - e) Respect the decisions and judgments of officials, and encourage athletes to do the same. Feedback on competition performances is provided by officials only to the coaching staff, so parents are encouraged to discuss any questions with your athlete's coach
 - f) Recognize that officials, executives and staff act in good faith, and in the best interests of the athletes and sport as a whole.
 - g) Respect the decisions and judgments of officials, and encourage athletes to do the same
 - h) Never question an officials' or staffs' judgment or honesty
 - i) Support all efforts to remove verbal and physical abuse, coercion, intimidation and sarcasm
 - j) Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
 - k) Refrain from the use of bad language, nor harass competitors, coaches, officials, parents/guardians or other spectators

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership
Name: Conflict of Interest
Authority: Board of Directors

Policy Number: M-4
Date Approved: May 27, 2016
Date Revised:

Reference: SSI Bylaws Art. 5 Section 4 and Board Code of Conduct Policy (G-4)

Definitions

1. The following terms have these meanings in this Policy:
 - a) *“Association”* – Swim Saskatchewan Inc.
 - b) *“Conflict of Interest”* – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Association, is influenced or could be influenced by personal, family, financial, business, or other private interests.
 - c) *“Individuals”* – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
 - d) *“In writing”* - A letter, fax or email sent directly to the Association.
 - e) *“Pecuniary Interest”* - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated.
 - f) *“Non-Pecuniary Interest”* - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.

Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the Association. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the Association. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the Association is connected to their own “pecuniary” or “non-pecuniary” interests. That would be a conflict of interest situation.

Purpose

3. The Association strives to reduce and eliminate nearly all instances of conflict of interest at the Association – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Individuals will conduct themselves in matters relating to conflict of interest, and will clarify how Individuals shall make decisions in situations where conflict of interest may exist.
4. This Policy applies to all Individuals.

Policy M-4 continued...

Obligations

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between an Individual's personal interest and the interests of the Association, shall always be resolved in favour of the Association.
6. Individuals will not:
 - a) Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Association, unless such business, transaction, or other interest is properly disclosed to the Association and approved by the Association.
 - b) Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment.
 - c) In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise.
 - d) Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Association, if such information is confidential or not generally available to the public.
 - e) Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the Association, or in which they have an advantage or appear to have an advantage on the basis of their association with the Association.
 - f) Without the permission of the Association, use the Association's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Association.
 - g) Place themselves in positions where they could, by virtue of being an Association Individual, influence decisions or contracts from which they could derive any direct or indirect benefit.
 - h) Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an Association Individual.

Disclosure of Conflict of Interest

7. On an annual basis, all the Association's Directors, Officers, Employees, and Committee Members will complete a **Declaration Form** (page 5) disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained by the Association.
8. Individuals shall disclose real or perceived conflicts of interest to the Association's Board immediately upon becoming aware that a conflict of interest may exist.
9. Individuals shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, officer or director.

Minimizing Conflicts of Interest in Decision-Making

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an Individual will be considered and decided with the following additional provisions:
 - a) The nature and extent of the Individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
 - b) The Individual does not participate in discussion on the matter.
 - c) The Individual abstains from voting on the decision.
 - d) For board-level decisions, the Individual does not count toward quorum.
 - e) The decision is confirmed to be in the best interests of the Association.

11. For potential conflicts of interest involving employees, the Association's Board will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. The Association will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with the Association or give rise to a conflict of interest.

Conflict of Interest Complaints

12. Any person who believes that an Individual may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the Association's Board who will as quickly as possible decide appropriate measures to eliminate the conflict.

13. The Association's Board decision as to whether or not a conflict of interest exists will be governed by the following procedures:
 - a) Copies of any written documents to be considered by the Board will be provided to the Individual who may be in a conflict of interest situation
 - b) The Individual who may be in a conflict of interest situation will be provided an opportunity to address the Association's Board orally or if granted such right by the Association's Board, in writing
 - c) The decision will be by a majority vote of the Association's Board

14. If the Individual acknowledges the conflict of interest, the Individual may waive the right to be heard, in which case the Association's Board will determine the appropriate sanction.

Decision

15. After hearing and/or reviewing the matter, the Association's Board will determine whether a conflict of interest exists and, if so, the sanctions to be imposed.

Sanctions

16. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest:
 - a) Removal or temporary suspension of certain responsibilities or decision-making authority.
 - b) Removal or temporary suspension from a designated position.
 - c) Removal or temporary suspension from certain teams, events and/or activities.
 - d) Expulsion from the Association.
 - e) Other actions as may be considered appropriate for the real or perceived conflict of interest.
17. Any person who believes that an Individual has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Association to be addressed under the Association's *Discipline and Complaints Policy*.
18. Failure to comply with an action as determined by the Board will result in automatic suspension from the Association until compliance occurs.
19. The Board may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

Enforcement

20. Failure to adhere to this Policy may permit discipline in accordance with the Association's Discipline and Complaints Policy.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership

Name: Discipline and Complaints

Authority: Board of Directors

Policy Number: M-5

Date Approved: January 1998

Date Revised: September 2003, June 2016

Reference: *Non-Profit Corporations Act* Div. X, Sect. 119; SSI Bylaws Art. 5, Sect. 3

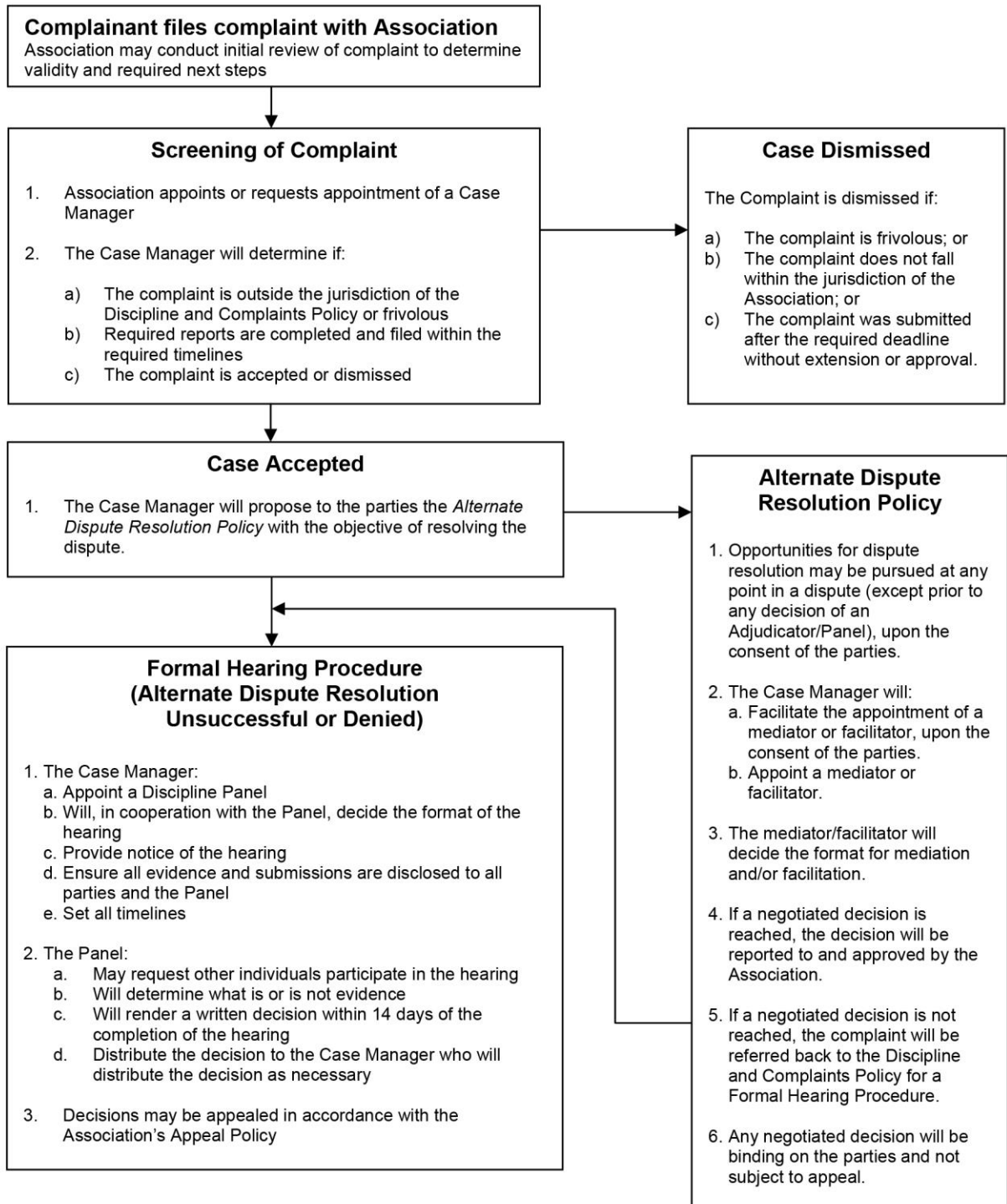
Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Association*” – Swim Saskatchewan Inc.
 - b) “*Case Manager*” – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Discipline and Complaints Policy. The Case Manager will comply with the position description described in Appendix “A”.
 - c) “*Complainant*” – The Party alleging an infraction
 - d) “*Days*” – Days including weekend and holidays
 - e) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, including clubs, teams, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
 - f) “*In writing*” – A letter, fax or email sent directly to the Association.
 - g) “*Respondent*” – The alleged infracting Party

Purpose

2. Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Association’s policies, bylaws, rules and regulations, and *Codes of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

Discipline and Complaints Policy Flowchart



Application of this Policy

3. This Policy applies to all Individuals relating to matters that may arise during the course of Association's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.
4. This Policies also applies to Individuals' conduct outside of the Association's business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this Policy will be determined by the Association at its sole discretion.
5. This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.
6. An employee of the Association found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the Association's *Human Resources Policy*, as well as the employee's Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

7. Any Individual may report any complaint to the Association. A complaint must be in writing and must be filed within 21 days of the alleged incident. Complaints should be submitted to:

Swim Saskatchewan Executive Director
2205 Victoria Ave. Regina, Sask S4P 0S4
Fax: 306 525-4009 marjwalton@swimsask.ca

8. A Complainant wishing to file a complaint outside of the 21 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the Swim Sask 21-day timeframe will be at the sole discretion of the Case Manager. This decision may not be appealed.
9. At the Association's discretion, the Association may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.
10. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.
11. Upon receiving a complaint, the Association will review the complaint to determine validity and required next steps.

Case Manager

12. Upon the receipt and review of a complaint, the Association may appoint or request the appointment of an independent Case Manager to manage and administer complaints submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.
13. The Case Manager has a responsibility to:
 - a) Determine whether the complaint is within the jurisdiction of this Policy or frivolous
 - b) Propose the use of the Association's Alternate Dispute Resolution Policy
 - c) Appoint the Discipline Panel, if necessary
 - d) Coordinate all administrative aspects and set timelines
 - 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.

Procedures

14. If the Case Manager determines the complaint is:
 - a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
 - b) Not frivolous 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. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.
17. After notifying the Parties that the complaint has been accepted, the Case Manager will first, propose the Association's Alternate Dispute Resolution Policy with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, 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.
18. 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 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, through the Case Manager, 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
19. 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.
20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
21. If a decision affects a 3rd party to the extent that the 3rd party would have recourse to a complaint or an appeal in their own right, that 3rd party will become a party and apart of the complaint procedure 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 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 Association. 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. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

24. The Panel may apply the following disciplinary sanctions, singularly or in combination:
- a) Verbal or written reprimand
 - b) Verbal or written apology
 - c) Service or other contribution to the Association
 - d) Removal of certain privileges
 - e) Suspension from certain teams, events, and/or activities

[Board Policy M-5 page 6]

- f) Suspension from all Association activities for a designated period of time
- g) Withholding of prize money or awards
- h) Payment of the cost of repairs for property damage
- i) Suspension of funding from the Association or from other sources
- j) Expulsion from the Association
- k) Any other sanction considered appropriate for the offense

25. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in automatic suspension until such time as compliance occurs.
26. Infractions that result in discipline will be recorded and records will be maintained by the Association.

Suspension Pending a Hearing

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

Criminal Convictions

28. An Individual's conviction for a *Criminal Code* offense, as determined by the Association, will be deemed an infraction under this Policy and will result in expulsion from the Association. Criminal Code offences may include, but are not limited to:
- a) Any child pornography offences
 - b) Any sexual offences
 - c) Any offence of physical 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 Discipline 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 Discipline Panel may direct that these timelines be revised.

Records and Distribution of Decisions

31. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, Sask Sport Inc., etc., may be advised of any decisions rendered in accordance with this Policy.

Appeals Procedure

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

Appendix A

CASE MANAGER POSITION DESCRIPTION

Purpose

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

Policies

2. The following Policies require the appointment of a Case Manager:
 - a) Discipline and Complaints
 - b) Appeal
 - c) Alternate Dispute Resolution Policy

Identity

3. The Case Manager, whether or not appointed by the Association at its sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.
4. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

Discretion - Complaints

5. When a complaint is filed, the Case Manager is required to:
 - a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
 - b) Propose the use of the Association's Alternate Dispute Resolution Policy
 - c) Appoint the Panel, if necessary
 - d) Coordinate all administrative aspects and set timelines
 - 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

Discretion - Appeals

6. When an appeal is filed, the Case Manager is required to:
 - a) Propose the use of the Association's Alternate Dispute Resolution Policy
 - b) Determine if the appeal falls under the scope of the Appeal Policy
 - c) Determine if the appeal was submitted in a timely manner
 - d) Decide whether there are sufficient grounds for the appeal
 - e) Appoint the Panel, if necessary
 - f) Coordinate all administrative aspects and set timelines
 - g) Provide administrative assistance and logistical support to the Panel as required
 - h) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

7. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternate Dispute Resolution

8. When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager may be required to:
 - a) Appoint the mediator or facilitator
 - b) Coordinate all administrative aspects and set timelines
 - c) Provide administrative assistance and logistical support to the mediator or facilitator as required

Hearing Format - Discretion

9. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, but are not limited to:
 - a) In person
 - b) Conference call
 - c) Written submissions
 - d) Conference call plus written submissions
10. In determining the format of the hearing the Case Manager should consider:
 - a) The distance between the parties
 - b) The animosity between the parties
 - c) The time commitment and location of the Panel
 - d) The timelines for a decision
 - e) The language barriers between the parties
 - f) The gravity of the complaint/appeal

Panel Appointment

11. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:
 - a) Experience in dispute resolution
 - b) Experience with sport disputes
 - c) No connection to either party
 - d) Preferably no connection with the Parties
 - e) Decisive
12. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.

Communication

13. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.
14. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

Suggested Procedure

15. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:
 - a) Receive the written complaint or appeal
 - b) Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)
 - c) Determine whether the complaint is within the jurisdiction of the applicable Policy.
 - d) Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).
 - e) The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.
 - f) Appoint the Panel
 - g) Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.
 - h) Ensure the Panel renders a written decision within a prescribed timeline.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type:	Membership	Policy Number:	M-6
Name:	Alternate Dispute Resolution	Date Approved:	June 2004
Authority:	Board of Directors	Date Revised:	May 2016

References: SSI Bylaws Art. 5, Sect. 3, Member Code of Conduct & Harassment Policy (M-3), Discipline & Complaints Policy (M-5), Appeals Policy (M-7), and SNC Dispute Resolution Policy.

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Association*” – Swim Saskatchewan Inc.
 - b) “*In writing*”- A letter, fax or email sent directly to the Association.

Purpose

2. The Association supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.
3. The Association encourages all individuals and parties to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Association believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques.

Application of this Policy

4. This Policy applies to all disputes within the Association when all parties to the dispute agree that such a course of action would be mutually beneficial.

Facilitation and Mediation

5. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator shall be appointed by the Association and/or the Case Manager to mediate or facilitate the dispute.
6. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated.
7. The final decision will be communicated by the mediator or facilitator to the parties and the Association.
8. Should a negotiated decision be reached, the decision shall be reported to, and approved by the Association.

Policy M-6 continued...

9. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Association's *Discipline and Complaints Policy* or *Appeal Policy*.
10. The costs of mediation and facilitation will be shared equally by the parties or paid by the Association upon the Association's sole discretion.

Final and Binding

11. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.
12. No action or legal proceeding will be commenced against Association or its Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by its governing documents.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type:	Membership	Policy Number:	M-7
Name:	Appeals Policy	Date Approved:	June 2004
Authority:	Board of Directors	Date Revised:	June 2016

References: SSI Bylaws Art. 5, Sect. 3.6, Discipline & Complaints Policy (M-5), Alternate Dispute Resolution Policy (M-6), and SNC Appeals Policy

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Appellant*” – The Party appealing a decision
 - b) “*Appeals Panel*” – A single person, or in extraordinary circumstances and at the discretion of the Case Manager, three persons, who will hear and decide the appeal.
 - c) “*Association*” – Swim Saskatchewan Inc.
 - d) “*Case Manager*” – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Appeal Policy. The Case Manager will comply with the position description described in Appendix “A”.
 - e) “*Days*” – Days including weekend and holidays
 - f) “*In writing*” - A letter, fax or email sent directly to the Association.
 - g) “*Individuals*” – All categories of membership defined in the Association’s Bylaws, including clubs, teams as well as, all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
 - h) “*Respondent*” – The body whose decision is being appealed

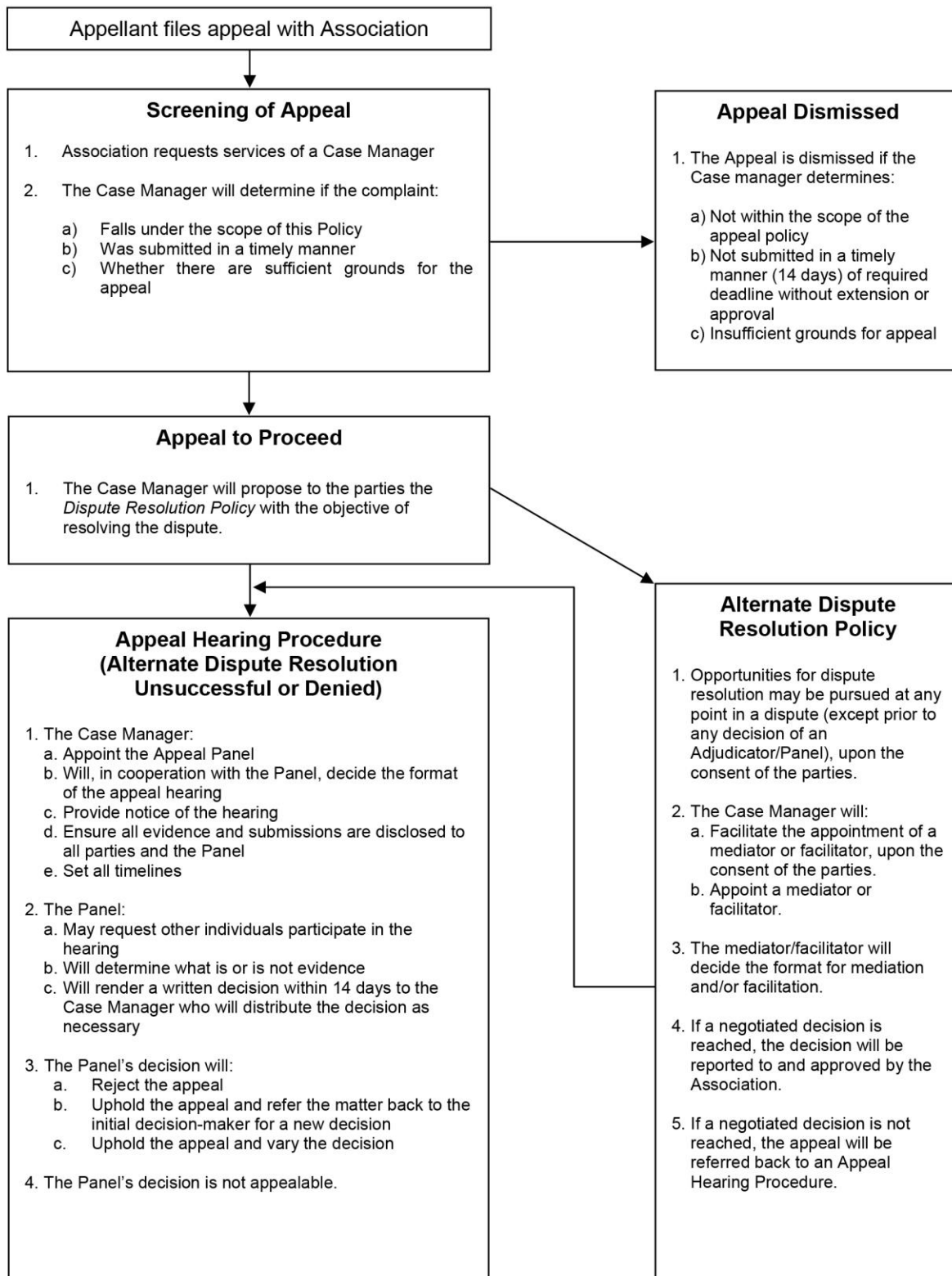
Purpose

2. The Association provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Association.

Scope and Application of this Policy

3. Any Individual who is directly affected by an Association decision will have the right to appeal that decision; provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal under the ‘Grounds for Appeal’ section of this Policy.

Appeal Policy Flowchart



4. This Policy **will not apply** to decisions relating to:
- a) Employment
 - b) Infractions for doping offenses
 - c) The rules of the sport
 - d) Budgeting and budget implementation
 - e) Operational structure and committee appointments
 - f) Volunteer appointments and the withdrawal of termination of those appointments
 - g) Decisions rendered by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)
 - h) Commercial matters
 - i) Decisions made under this Policy

Timing and Conditions of Appeal

5. Individuals who wish to appeal a decision have fourteen (14) days from the date on which they received notice of the decision to submit, in writing to the Association, the following:
- a) Notice of the intention to appeal
 - b) Contact information and status of the Appellant
 - c) Name of the Respondent and any affected parties, when known to the Appellant
 - d) Date the Appellant was advised of the decision being appealed
 - e) A copy of the decision being appealed, or description of decision if written document is not available
 - f) Grounds for the appeal
 - g) Detailed reasons for the appeal
 - h) All evidence that supports the appeal
 - i) Requested remedy or remedies
 - j) An appeal fee of five hundred dollars (\$500) which will be refunded if the appeal is successful, or forfeited if the appeal is denied. Appeal Fee of \$500 must be made payable to Swim Saskatchewan Inc and must accompany the appeal. Payment made be made via certified cheque or money order or an email transfer (please call 780-9238 for instructions).
6. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Case Manager and may not be appealed.
7. Appeals should be submitted to:

Executive Director Swim Saskatchewan Inc.
2205 Victoria Ave. Regina, SK S4P 0S4
Fax: 306 525-4009 or email: marjwalton@swimsask.ca

Case Manager

8. Upon the receipt of an appeal, the Association will appoint an independent Case Manager to manage and administer appeals submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

Grounds for Appeal

9. An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Case Manager. Sufficient grounds only include the Respondent:
 - a) Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents)
 - b) Failed to follow its own procedures (as set out in the Respondent's governing documents)
 - c) Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
 - d) Made a decision that was grossly unreasonable
10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy.

Alternate Dispute Resolution

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Appeal Panel may suggest, and the Parties may consent, the appeal to be heard under the Association's *Alternate Dispute Resolution Policy*.
12. Appeals resolved by mediation under the Association's *Alternate Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.

Screening of Appeal

13. Should the appeal not be resolved by using the *Alternate Dispute Resolution Policy*, the Case Manager will have the following responsibilities:
 - a) Determine if the appeal falls under the scope of this Policy
 - b) Determine if the appeal was submitted in a timely manner
 - c) Decide whether there are sufficient grounds for the appeal
14. If the appeal is denied on the basis of insufficient grounds, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant and the Association will be notified, in writing, by the Panel of the reasons for this decision. This decision may not be appealed.
15. If there are sufficient grounds for an appeal, the Case Manager will appoint an Appeal Panel (the "Panel") which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint three Panel members and designate one of the appointees to serve as the Chair.
16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

[Board Policy M-7 Page 5]

Procedure for Appeal Hearing

17. The Case Manager, in cooperation with the Panel, shall then decide the format under which the appeal will be heard. This decision may not be appealed.
18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications or other electronic means, 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 the Panel deem appropriate in the circumstances, provided that:
 - a) The hearing will be held within a timeline determined by the Case Manager or the Panel
 - b) The Parties will be given reasonable 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
 - c) 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
 - d) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - 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 appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - g) If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
 - h) The decision to uphold or reject the appeal will be by a majority vote of the Panel.
19. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
20. In fulfilling its duties, the Panel may obtain independent advice.

Appeal Decision

21. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:
 - a) Reject the appeal and confirm the decision being appealed
 - b) Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
 - c) Uphold the appeal and vary the decision
22. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association within 14 days of the hearing's conclusion. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Confidentiality

23. The appeals 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 to any person not involved in the proceedings.

Final and Binding

24. The decision of the Panel will be binding on the Parties and on all the Association's Individuals.
25. No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.

Appendix A

CASE MANAGER POSITION DESCRIPTION

Purpose

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

Policies

1. The following Policies require the appointment of a Case Manager:
 - a) Discipline and Complaints
 - b) Appeal
 - c) Alternate Dispute Resolution Policy

Identity

2. The Case Manager, whether or not appointed by the Association at their sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.
3. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

Discretion - Complaints

4. When a complaint is filed, the Case Manager is required to:
 - a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
 - b) Propose the use of the Association's Alternate Dispute Resolution Policy
 - c) Appoint the Panel, if necessary
 - d) Coordinate all administrative aspects and set timelines
 - 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

Discretion - Appeals

5. When an appeal is filed, the Case Manager is required to:
 - a) Propose the use of the Association's Alternate Dispute Resolution Policy
 - b) Determine if the appeal falls under the scope of the Appeal Policy
 - c) Determine if the appeal was submitted in a timely manner
 - d) Decide whether there are sufficient grounds for the appeal
 - g) Appoint the Panel, if necessary
 - h) Coordinate all administrative aspects and set timelines
 - i) Provide administrative assistance and logistical support to the Panel as required
 - j) Provide any other service or support that may be necessary to ensure a fair and timely proceeding

6. When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

Discretion – Alternate Dispute Resolution

7. When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager maybe required to:
 - a) Appoint the mediator or facilitator
 - b) Coordinate all administrative aspects and set timelines
 - c) Provide administrative assistance and logistical support to the mediator or facilitator as required

Hearing Format - Discretion

8. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms:
 - a) In person
 - b) Conference call
 - c) Written submissions
 - d) Conference call + written submissions
9. In determining the format of the hearing the Case Manager should consider:
 - a) The distance between the parties
 - b) The animosity between the parties
 - c) The time commitment and location of the Panel
 - d) The timelines for a decision
 - e) The language barriers between the parties
 - f) The gravity of the complaint/appeal

Panel Appointment

10. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:
 - a) Experience in dispute resolution
 - b) Experience with sport disputes
 - c) No connection to either party
 - d) Preferably no connection with the Parties
 - e) Decisive
11. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.

Communication

12. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.
13. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.

Suggested Procedure

14. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:
 - a) Receive the written complaint or appeal
 - b) Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)
 - c) Determine whether the complaint is within the jurisdiction of the applicable Policy.
 - d) Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).
 - e) The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.
 - f) Appoint the Panel
 - g) Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.
 - h) Ensure the Panel renders a written decision within a prescribed timeline.