

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership

Name: Member Code of Conduct

Authority: Board of Directors

Policy Number: M-3

Date Approved: June 2003

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

Reference: SSI Bylaws Art. 5, Sect. 3

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/Natation 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.

1. SSI will not tolerate the use of violence, abusive or profane language or behaviour at any time. In particular, during swim competitions SNC Rule CSW 2.1.6.5 and 2.1.6.6 will be enforced.
2. SSI expressly forbids the use by athletes of performance enhancing drugs, as defined by the Canadian Centre for Ethics in Sports. Performance enhancing drugs include all anabolic steroids, and may include erythropoietin and any sympathomimetic or stimulant medications (including bronchodilators and decongestants), except where medically required for the treatment of illness.
3. SSI expressly forbids the consumption of alcohol by participating swimmers, coaches, volunteers, officials or staff during the hours of competition at any swim meet. SSI expressly forbids the consumption of alcohol by persons under the legal drinking age at any time during any SSI sponsored event.
4. SSI expressly forbids the use of any illicit substances, including any hallucinogenic substances or any drugs used for purposes other than their normal therapeutic effects, at any swim competition or SSI sponsored events.
5. SSI expressly forbids the willful damage, defacement or destruction by any person of personal property or of any facility or property.

SSI expressly authorizes the High Performance Program Committee to impose any additional conditions of personal or professional conduct as may be appropriate for the athletes, coaches and support staff of the High Performance Teams. The High Performance Committee has the authority to discipline members for serious infractions of its rules of conduct, including the authority to withhold financial support or to revoke travel, selection and other privileges.

Policy M-3 continued.....

SSI expressly authorizes the Winter or Summer Program Committees to impose any additional conditions of conduct as may be appropriate for their members.

SSI encourages all member clubs to adopt internal policies governing the conduct of their members, including adoption of the Code of Conduct of SSI.

SSI may assist clubs to investigate or adjudicate breaches of their internal Codes of Conduct, upon the request of the clubs, where clubs lack sufficient expertise or resources to conduct a fair and impartial investigation and adjudication.

SSI will promote a safe environment for training and competition for all swimmers. Through its Master and Senior Officials Committee, SSI will ensure that all clubs are aware of the minimum facilities requirements as outlined in Appendix B of the Rulebook of Swimming/Natation Canada. Where necessary, at their request, SSI may assist clubs to lobby their civic or municipal authorities for the provision of safe swimming facilities.

Through its Sanctions Policies, and through its Master and Senior Officials Committee, SSI will ensure that Safety Marshalls are on deck during the warm-up period and that the warm-up procedures of the Rulebook of Swimming/Natation Canada are strictly enforced at all swim meets. (Note: see Rule 2.13.1.5 and Appendix D in the October 2009 edition of the Rulebook.)

Through its Master and Senior Officials Committee, SSI will ensure that all other rules of competition that relate to safety are strictly enforced, in particular, SW 10.6.

SSI expects that all swimmers, coaches, spectators and volunteers will observe the posted safety rules of any facility, and will obey the instructions of lifeguards and designated pool staff in respect to public health and safety regulations.

Penalties

Any breach of items 1, 2, 3, 4 or 5 above will result in the immediate expulsion of the person or persons from the SSI sponsored competition or event. The President of SSI will have the authority to suspend summarily for egregious violations of those items. Any member summarily suspended will have the right of a full hearing before the Discipline Committee within not less than 7 and not more than 14 days of the suspension.

Any breach of this Code of Conduct will be referred to the Discipline Committee of SSI for investigation and adjudication. Egregious breaches of the Code of Conduct may constitute cause for suspension or expulsion of any member. In accordance with the Bylaws, Article 5, Section 3.7, the Board of SSI has the authority to suspend or expel affiliated clubs or swimmers for cause. The Board of Directors of SSI will have the discretion to refer matters that cannot be resolved by its Discipline Policy to the Dispute Resolution process provided by Sask Sport. In accordance with the Dispute Resolution Policy of Sask Sport, SSI will report to Sask Sport any expulsion of a member or any suspension of a member for a period of greater than one year.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership

Name: Harassment

Authority: Board of Directors

Policy Number: M-4

Date Approved: October 1997

Date Revised: January 2007, May 2010

Reference: *Canadian Bill of Rights*, Part 1, Par. 14; SSI Bylaws Art 5, Sect. 3

Swim Saskatchewan Inc. endorses and abides by the Harassment Policy and Procedure as set out by Swimming/Natation Canada. The Swimming Canada policy has been advised slightly to reflect references from National teams to provincial teams and Swimming Canada to Swim Sask. Thee SNC procedures were also removed as Swim Sask has its own procedures as set out in M-5.

Harassment Policy

Policy Statement

Swim Saskatchewan Inc. (Swim Sask) is committed to providing opportunities for every individual in the sport of swimming to reach his or her potential in fitness and excellence. In keeping with the spirit of this statement, Swim Sask is committed to providing a sport and work environment that prohibits discriminatory practices. Everyone engaged in activities on behalf of Swim Sask is entitled to a harassment free workplace and sport environment. Harassment is unacceptable and will not be tolerated.

Purpose

Harassment means an inappropriate conduct, comment, display, action or gesture by a person that either:

- a) Is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or
- b) Adversely affects the person's psychological or physical well-being and that the person knows or ought reasonable to know would cause a person to be humiliated or intimidated;

And with respect to an employee, and for the purposes of *The Occupation Health and Safety Act and Regulations*, harassment must constitute a threat to the health or safety of the worker.

Harassment can be an offence under Canada's Criminal Code.

Through the application of this policy, Swim Sask intends to protect its staff, and all athletes and volunteers from a hostile sport and/or working environment.

With respect to a complaint about employees of Swim Sask and for the purpose of compliance with *The Occupation Health and Safety Act and Regulations*:

1. Swim Sask will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is:
 - i. Necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint;
 - or
 - ii. Required by law;
2. Workers are referred to the provisions of *The Occupation Health and Safety Act and Regulations* respecting harassment and the worker's right to request the assistance of an occupational health officer to resolve a complaint of harassment;
3. Workers are referred to the provisions of the *Saskatchewan Human Rights Code* respecting discriminatory practices and the worker's right to file a complaint with the Saskatchewan Human Rights Commission;

4. Swim Sask will inform the complainant of the alleged harasser of the results of the investigation in the manner described in the Discipline Procedures, and
5. Swim Sask's harassment policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

Application

This policy applies to everyone over whom Swim Sask has a significant element of direct authority and control by participating in activities organized or sanctioned by Swim Sask, or acting on behalf of or representing Swim Sask in an employment, athletic or volunteer capacity. For certainty, this policy applies to all individual engaged in activities on behalf of Swim Sask or individual employed by Swim Sask, including but not limited to, provincial team athletes, coaches, officials, volunteers, directors, officers, team managers, team captain, medical and paramedical personnel and administrators.

This policy only applies to allegations of harassment which occur during the course of authorized Swim Sask business, activities and events, including but not limited to, swim meets, training camps, exhibitions, meeting and travel associated with these authorized Swim Sask activities and events.

Harassment allegations arising against persons not described above or within the business, activities and events of provincial/territorial associations, clubs or affiliated organizations of Swim Sask shall be dealt with using the policies and mechanisms of such organizations.

Responsibility

Body	Action
Board of Directors	Ensure that policies and procedures are in place to respond to and investigate allegations of harassment in a timely and appropriate manner, and to conduct fair hearings where allegations of harassment can not be otherwise resolved and to provide appropriate sanctions when a finding of harassment is made.
Board of Directors	Play a positive role in raising the awareness and understanding of the scope and application of the Swim Sask Harassment Policy and Procedure; to encourage a similar approach to harassment among all members clubs, and to make it clear that harassment will not be tolerated at any level in the swimming community.
Board of Directors	To ensure that the outcome of a finding of harassment is reasonably communicated for the purpose of protecting persons from harassment when that purposed outweighs the privacy interest of the individuals affected, while protecting the privacy of individual to the extent practical in the circumstances.
Board of Directors	Investigate and correct harassment problems as soon as they come to light even if a formal complaint has not been received

Executive Director	Make sure every person within the scope and application of the Swim Sask harassment policy, together with all Swim Sask employees, understand the policy and procedures for deal with harassment;
Executive Director	Inform athletes, coaches, administrators, officials, volunteers and staff of their responsibility to provide a harassment-free sporting and work environment;
Executive Director	Receive harassment complaints and refer them to the President in accordance with the Dispute Resolution Policy.
Executive Director	Investigate and correct harassment problems as soon as they come to light even if a formal complaint has not been received.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership

Name: Discipline

Authority: Board of Directors

Policy Number: M-5

Date Approved: January 1998

Date Revised: September 2003

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

All proceedings of the Discipline Committee will be conducted in accordance with the principles of natural justice. This means that the proceedings will be fair, free from bias, open, and conducted in a timely fashion. In accordance with these principles, any person who is called to answer a charge before the Discipline Committee has the following rights:

- the right to full disclosure of the charge and of the evidence supporting the charge,
- the right to timely resolution of the matter,
- the right to representation, including the right to legal counsel,
- the right to challenge the impartiality of any member of the Discipline Committee prior to the commencement of a hearing,
- the right to request that proceedings of the Committee be held *in camera* if the matters to be discussed are of a sensitive nature,
- the right to present evidence in defense of the charge, including the right to call witnesses to give evidence to the Discipline Committee,
- the right to cross-examine witnesses,
- the right to hear the decision of the Committee and to speak to penalty, and
- the right of appeal from any decision of the Committee.

In accordance with these rights, the Executive Director will ensure that any member who is the subject of a complaint, or who is alleged to have breached the Code of Conduct of members or the Harassment Policy of SSI, is notified of the complaint or the alleged breach. The Executive Director will ensure that the member is kept informed of the progress of any investigation into the matter, and that the member receives notice of either the resolution of the complaint or of its referral to the Discipline Committee.

Policy M-5 continued...

The Discipline Committee will have the authority to conduct its affairs in whatever manner it deems necessary in order to ensure a full and fair hearing of all relevant facts, and in order to arrive at its decision on the matter. The Chair of the Committee will keep or cause to be kept a full record of the proceedings of the committee, and will provide a written report including the decision, the reasons for the decision, the penalty if any, and any other recommendations to the Board. The member who has been charged and the complainant will each receive a copy of the report of the Discipline Committee. A member who is found guilty will receive a written statement of the penalty imposed by the Discipline Committee.

SSI staff will assist the Committee as required but will not participate in the deliberations of the Committee. If a member of SSI staff is a witness before the hearing, that staff member will not be the individual who assists the Committee. SSI staff will ensure that all documents, witnesses or any other material evidence identified by the investigator is available for the hearing of the Discipline Committee.

In general, hearings before the Discipline Committee should occur within thirty (30) days of the day the matter was referred to Discipline. The decision of the committee should be presented no later than fifteen (15) days after the conclusion of the hearing.

Duties of Investigator

If a complaint is made against a member or there is an allegation of breach by a member of the Code of Conduct or the Harassment Policy, the President will appoint an investigator, who will make such inquiries as are necessary to determine whether charges should be laid against the member before a Discipline committee. The investigator may not be a member of the Board of Directors of SSI and may not have any direct or indirect involvement in the matter to be investigated.

The investigator is authorized to conduct the inquiry in any manner that is consistent with the principles of natural justice stated previously. The investigator may not subsequently be appointed to the Discipline Committee that is to hear the evidence on the charges.

At the completion of the investigation, the investigator will submit a written report to the Board. The report will state the broad generalities of the complaint, and whether or not the investigator believes there is sufficient evidence to warrant a hearing before the Discipline Committee. If not, the investigator will recommend to the Board that the matter be dropped, and the member will be so informed.

If there is sufficient evidence to warrant a hearing, the investigator will state specifically the charge(s) to be laid against the member. The report of the investigator will not include details of the evidence. If a complaint or allegation is admitted by the member, the investigator can recommend that the Board resolve the matter without a hearing by the Discipline Committee, in which case the Board will set penalty (if any) after hearing representation from the member as to penalty.

The investigator will advise the staff of SSI about the evidence to be presented to the Discipline Committee, in order to ensure that the Committee is provided with the relevant evidence. This information must be provided to the member at the time that the member is informed of the charge(s). The report of the investigator is not to be given to the Committee as evidence; instead, the Discipline Committee must hear the evidence itself.

The investigation of a complaint or of an allegation of breach of the Code of Conduct or the Harassment Policy should be completed within thirty (30) days of the day the complaint/allegation was made to SSI.

Costs

SSI will be responsible for the costs of any investigation into a complaint against a member. SSI will be responsible for the costs of the Discipline Committee, including any costs for legal advice to the Committee, administrative support to the Committee, and for a venue for the hearing. Members of the Discipline committee will receive reimbursement for any out of pocket expenses, according to SSI expense policy. The member who is accused of a charge will be responsible for his/her costs, regardless of the final disposition of the matter. SSI will reimburse the out of pocket expenses for any witness who is called by the Committee, but not the expenses of any witness who is called by the respondent member. No person will receive any honorarium, stipend or other payment for service on or appearance before the Discipline Committee, except for the normal salary of staff of SSI.

Penalty

The Discipline Committee of SSI will set the penalty for a member found guilty of charges before the Discipline Committee. The Board of Directors will set the penalty for a member who admits to the truth of a complaint or an allegation that the member has breached the Code of Conduct or the Harassment Policy and where the complaint is not heard by the Discipline Committee. The penalty will be appropriate to the nature of the misconduct. The member will have the right to speak to penalty, but not to reopen discussion of the merits of the case.

The Discipline Committee or the Board may decide that no penalty is required or may issue a written reprimand. A reasonable penalty will be set and may include but is not limited to:

- Suspension of membership for a period of time
- Revocation of membership permanently
- Financial penalty
- Restitution

Policy M-5 continued....

[Board Policy M-5 Page 4]

In all cases where a member admits to or is found guilty of misconduct, the Board will keep a permanent record of the decision and of the penalty that is imposed. Documentation of cases investigated that were not referred to the Discipline Committee or where the member was found not guilty by the Discipline Committee will be kept for five years from the date of the decision.

In accordance with the policy of Sask Sport, the Board has a positive duty to inform Sask Sport if any member (athlete, coach, individual or club) is suspended for a period in excess of one year, or if membership is revoked. The notification must include details of the charges against the member.

Appeal

A member found guilty before the Discipline Committee will have the right of appeal from the decision or from the penalty imposed by the Committee. The appeal will be heard by the Board, except any Director who has had involvement in or direct knowledge of the matter. The Board, upon hearing the appeal, may uphold the decision, or refer the matter back to the Discipline Committee for review of the evidence and reconsideration of its decision. The Board may uphold the decision as to penalty, or may vary the decision and impose a lesser penalty. The Board may not impose a more severe penalty as the result of an appeal.

Referral to other agency

Matters that cannot be resolved satisfactorily within SSI may be referred to the Dispute Resolution Process of Sask Sport. This option should be exercised by the Board if the Board cannot guarantee the member a fair and impartial investigation or hearing of the matter.

Any complaints that allege a violation of the Criminal Code of Canada will be referred to the appropriate law enforcement office for investigation.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership
Name: Dispute Resolution
Authority: Board of Directors

Policy Number: M-6
Date Approved: June 2004
Date Revised:

References: SSI Bylaws Art. 5, Sect. 3, Member Code of Conduct (M-3), Discipline Policy (M-5), Harassment Policy (M-4), Appeals Policy (M-7), SNC Dispute Resolution Policy, Sask Sport Dispute Resolution Policy

This policy applies to any dispute between the members of SSI, its staff, committees or volunteers arising from their respective responsibilities and obligations as set out in any Policies of SSI. This policy shall not apply to internal disputes within member clubs, or to disputes between members (individuals and/or clubs), except where such disputes involve the interpretation or application of a Policy of SSI.

This policy applies specifically to disputes over any decisions of SSI, its committees, staff or members regarding conditions of membership or program benefits, such as athlete eligibility for team selection, athlete eligibility for financial assistance, coach selection for special teams, awards, grants, and any other benefits of membership. This policy may not be used to debate the merits of a policy unless the policy can be shown to be unfair to an identifiable group. This policy may not be used to debate budgetary allocations among programs, nor to debate operational matters within SSI.

This policy may not be used to adjudicate disputes arising from interpretation of the rules of swimming as set out in the Rulebook of Swimming/Natation Canada. This policy may not be used to resolve disputes involving the policies of any jurisdiction superior to SSI (that is, SNC or Sask Sport, or any matters governed by FINA or other international authorities.)

Breaches of personal conduct, as defined in the Member Code of Conduct or in the Harassment Policy, shall be referred to the Discipline Committee.

Policy M-6 Continued...

Initiation of Complaints

SSI shall only initiate a process of dispute resolution when requested in writing by a member. The member who requests dispute resolution (the complainant) must identify the other party or parties involved (the respondent), must state, in general term, the nature of the dispute, and must identify the policy that governs the matter.

The Executive Director will, upon receipt of a request for dispute resolution, inform the President. The President will inform the respondent that a complaint has been received, and will initiate the process to resolve the matter. SSI staff will assist either party if required, and will keep both parties informed of the progress of the resolution process.

Either party may withdraw or concede the matter, in writing, at any stage of the process. If the complaint is withdrawn or conceded, the President will inform both parties. The written withdrawal or concession will be the permanent record of the disposition of the matter. The withdrawal or concession shall be unconditional, and there shall be no additional consequence against either party if the complaint is withdrawn or conceded. Either party may, at any stage of the process, submit a remedy for the dispute. If the suggested remedy is acceptable to both parties, it shall be adopted as binding upon both, and no further resolution shall be required. A written statement of the agreed remedy shall be signed by both parties, and shall be the permanent record of the disposition of the complaint.

Submission of Written Statements

The President, or the Executive Director delegated by the President, shall request the complainant and the respondent to submit a written statement of each party's account of the matter in dispute. Each party shall supply copies of any supporting documentation, together with the names and contact information for any persons who might be able to provide additional relevant information. All written documentation must be received within 14 days of request. Failure by either party to submit written documentation shall cause the matter to be decided based upon any other information received, and shall forfeit the party's right to present additional evidence. SSI shall supply a copy of each party's submission to the other party. The complainant and the respondent shall have 7 days within which to submit a rebuttal statement in response to the original written submission of the other party. Additional rebuttals will not be permitted thereafter.

Formation of the Dispute Resolution Panel

Upon receipt of the written documentation, the President shall strike a dispute resolution panel. A dispute resolution panel must include at least three persons, one of whom must be a member of the Board of SSI. A dispute resolution panel may include all members of the Board, in committee of the whole. Any person who is involved, directly or indirectly, in the dispute may not be a member of the panel. The complainant and respondent shall be informed of the composition of the panel, and shall have the right to contest the appointment of any member of the panel if there is apprehension of bias or conflict of interest in that member's appointment. The panel will choose a Chairperson from among its members. SSI staff will assist the panel as required, and will ensure that Minutes are kept of any meetings of the panel.

Meetings of the Dispute Resolution Panel

Within 7 days of receipt of the written documentation, the dispute resolution panel shall meet, either by teleconference or in person, to review the documentation. Both parties will be informed of the date of the meeting, but shall not be present or be represented at the meeting. The panel shall decide whether it can reach a decision based upon the written submissions received, or whether additional information must be provided in writing or in an oral hearing. If additional information is required, the panel shall inform both parties of that requirement, and shall set a date for a further meeting of the panel. Any additional written information shall be submitted in advance of that meeting.

If an oral hearing is required, both parties shall be entitled to be present and to examine and cross-examine witnesses to the extent necessary to ensure a fair process. If either party does not attend an oral hearing, the hearing will proceed in that party's absence and a decision may be made on the information then before the panel. The panel will instruct the staff of SSI to require the attendance of any individuals who it determines may be able to supply evidence concerning the facts of the matter, or may be able to assist the panel to interpret the disputed policy. Additional individuals may, but need not necessarily, include any person identified by the complainant or the respondent as having information relevant to the issue.

Authority to Decide

The dispute resolution panel will have the authority to decide the matter, either at its initial meeting or at a subsequent meeting. The decision shall be the decision of the majority of the members of the panel including the Chairperson. The decision of the panel shall be binding upon both parties and upon SSI. The Chairperson will prepare a written statement of the decision of the panel, and will ensure that the complainant, the respondent and the Board of SSI receive a copy of the decision within 7 days. The decision shall be effective on the date it is made, notwithstanding the preparation of the written decision.

Decision

The panel may decide:

1. To uphold the complaint.
2. To deny the complaint.
3. To design a remedy that, in the opinion of the panel, will resolve the dispute provided that such remedy is not contrary to the Policies of SSI.

The panel may make a specific order, such as reinstatement, suspension or revocation of membership or of a member's rights and privileges, including the right to compete, train, coach, manage or receive financial support. Any suspension must specify the period of time for which the suspension applies. The panel may not impose any additional penalty, such as fines, against a member. The panel may order restitution of monies improperly paid or collected by a party to the dispute, where the payment of such monies was a consequence of the matter under dispute.

The panel may not revoke or revise any policy of SSI. However, if the panel finds that a policy is unclear or unfair, or is open to significant misinterpretation or misapplication, the panel shall advise the Board or the responsible committee of the Board to review that policy at its earliest opportunity.

Costs

SSI will be responsible for the costs of any dispute resolution process, including any costs incurred by the panel in the execution of its responsibilities and any staff or administrative costs. SSI will not be responsible for the costs incurred by the complainant or by the respondent, regardless of the final disposition of the matter. SSI will reimburse the out of pocket expenses of members of the panel, and of any person who is required by the panel to give information or assistance to the panel. Out of pocket expenses will be reimbursed according to the Expense Reimbursement Policy (A-2). SSI will not reimburse any person whose attendance is requested by the complainant or the respondent, but not otherwise required by the panel to attend. No person will receive any honorarium, stipend or other payment for service on or appearance before the panel.

Appeal

Decisions of a dispute resolution panel cannot be appealed unless the process has violated a fundamental principle of natural justice. The facts of the matter cannot be disputed or revisited at appeal.

Any appeal from a decision of a dispute resolution panel shall be to the Board of SSI, excluding any member who has been a member of the panel or who has other prior involvement in the matter. The Board, upon hearing the appeal, may decide that the process has been unfair, in which case the Board may substitute its own process to reconsider the original evidence or to permit additional evidence that was unfairly excluded. Note that failure to comply with timely submission of the written information and/or failure to attend an oral hearing of the panel do not constitute grounds for an appeal.

The Board may uphold or overturn the decision of the panel. If the decision is upheld, the Board will not vary any order of the panel unless such order is egregiously unfair or erroneous. If the decision is overturned, any order consistent with the decision must be overturned, and the Board may substitute any other order that is appropriate.

Referral to other agency

Matters that cannot be resolved satisfactorily within SSI may be referred to the Dispute Resolution Process of Sask Sport. This option should be exercised by the Board at any stage in the process if the parties cannot be guaranteed a fair and impartial investigation or hearing of the matter by a dispute resolution panel of SSI.

Any complaints that allege a violation of the Criminal Code of Canada or of any applicable provincial statute will be referred to the appropriate law enforcement agency for investigation.

Swim Saskatchewan Inc.

BOARD OF DIRECTORS POLICIES

Type: Membership
Name: Appeals Policy
Authority: Board of Directors

Policy Number: M-7
Date Approved: June 2004
Date Revised:

References: SSI Bylaws Art. 5, Sect. 3.6, Discipline Policy (M-5), Dispute Resolution Policy (M-6), SNC Appeals Policy, Sask Sport Dispute Resolution Policy.

This policy shall apply to any appeal from a decision of the Discipline Committee or of a Dispute Resolution Panel in respect to the conduct of a member or members or in respect to the interpretation or application of a Policy of SSI. This policy does not apply to disputes over the interpretation of the rules of swimming, which may not be appealed. This policy does not apply to decisions of any jurisdiction superior to SSI, nor to matters internal to clubs unless those matters were subject to an SSI Dispute resolution process. This policy does not apply to matters of employment, budgetary allocation, or to the operational structure or staffing of the office of SSI.

For the purposes of this policy, “days” means days irrespective of holidays or weekends.

An appeal may not be considered unless the Executive Director receives a Notice of Appeal in writing within 21 days of the date a decision on a matter was communicated to the appellant. Written notice must include the name and address of the appellant, an identification of the decision being appealed, and the grounds for the appeal. When the Executive Director receives a written notice of appeal, the Executive Director will immediately inform the President of SSI, who shall appoint an Appeal Panel to decide the matter.

Grounds for Appeal:

A decision cannot be appealed on its facts alone. An appeal may be heard only if there is *prima facie* evidence that the Discipline Committee or Dispute Resolution Panel:

1. made a decision for which it did not have the authority as defined in the Bylaws or respective policies of SSI;
2. failed to follow procedures as laid out in the Bylaws or policies of SSI;
3. made a decision which was influenced by bias, where bias is understood to be a lack of neutrality to such an extent that the decision-maker is unable to consider other views;
4. exercised its discretion for an improper purpose;
5. made a decision for which there is no supporting evidence; and/or
6. made a decision which was grossly unreasonable.

Further, the appellant must establish that the decision was prejudiced against the appellant as a direct consequence of the grounds adduced.

Policy M-7 Continued...

Appeal Panel:

The Appeal Panel shall consist of three members, who shall ordinarily be members of the Board of Directors of SSI. The panel will select one of its members as Chair.

The members of the Appeal Panel must have had no significant prior knowledge of or involvement in the decision being appealed, must have no significant relationship with any of the affected parties, and must have no other actual or perceived bias or conflict.

In the event that one or more positions on the Appeal Panel cannot be filled by Board members who meet the qualifications aforesaid, the President shall appoint a sufficient number of qualified members of SSI to sit on the Appeal Panel.

Conduct of Appeal:

The Executive Director shall supply the Appeal Panel with a copy of the decision under appeal and with a copy of the written notice of appeal, together with any supporting documents. Within five days, the Appeal Panel will review the material, and will decide whether to admit or dismiss the application. An application can be dismissed if, in the opinion of the Panel, the Notice of Appeal does not set forth sufficient grounds for the appeal, or if the grounds (even if true or accurate) would not result in a successful appeal. If the application is dismissed, the Appeal Panel will inform the appellant in writing, stating the reasons for its decision. The decision of the Appeal Panel shall be final and binding, and shall not be subject to further appeal.

If the Appeal Panel does not dismiss the application, it shall set a date for a hearing of the appeal, and shall determine whether the hearing will be an oral or a documentary hearing. The Hearing shall be held not less than 14 days and not more than 21 days after the date the Panel received the application. The Panel may conduct preliminary meetings (by conference call, videoconference, or in person) if necessary to expedite the actual hearing of the appeal.

The Appeal Panel shall govern its own procedures, provided that:

1. all parties to the appeal shall have at least 14 days notice of the date, time and place of the hearing;
2. all parties to the appeal shall have the right to submit documentary evidence in advance of the hearing, and shall have the right to see any documents submitted for consideration by the Panel. Documents must be submitted not less than 7 days before the date of the Hearing;
3. all parties may be accompanied by a representative or advisor of their choice, including legal counsel at their own expense;
4. all parties shall have the right to speak to the appeal, and to bring evidence in support or refutation of the grounds alleged, provided that such evidence is relevant;
5. the Panel shall have the right to request the participation of any other individual, and to hear the evidence of any other individual who might have knowledge of the matter under consideration;
6. quorum of the Panel is all three members;
7. all members of the Panel shall vote, and the decision of the Panel shall be the decision of the majority of the members of the Panel;

8. if a hearing is conducted by documentary evidence alone, there must be prior agreement by all parties;
9. hearings may be conducted by telephone or videoconference with the prior agreement of all parties; and
10. the onus shall be on the appellant to establish on the balance of probabilities any factual basis for the appeal and the grounds of the appeal themselves.

Decision of the Appeal Panel:

Within 7 days of the hearing, the Panel shall issue a written decision with the reasons for the decision. In making its decision, the Appeal Panel shall have no greater authority than that of the original decision-maker. The Panel may decide:

1. to confirm the decision and dismiss the appeal;
2. to void the decision and refer the matter back to the original decision-maker for a new decision; or
3. to vary the decision where it is found that an error has been made and that the original decision-maker cannot correct the error for reasons such as lack of a clear procedure to do so, lack of time, or lack of sufficient neutrality.

A copy of the written decision shall be provided to all parties. A copy of the decision shall be retained in the offices of SSI together with the original decision on the matter.

The decision of the Appeal Panel shall be final and binding on all parties. If any party believes that the Appeal Panel has acted in a manner consistent with the description of the Grounds for Appeal stated in this policy, that party may apply to the Dispute Resolution Process of Sask Sport for arbitration, or may seek redress in any Court with jurisdiction to hear the complaint.

Costs:

Swim Saskatchewan Incorporated will be responsible for the direct costs of any appeal process, including any cost incurred by the panel and any staff or administrative costs. SSI will not be responsible for any direct costs incurred by the appellant or by any witness or representative of the appellant, regardless of the final disposition of the appeal. SSI will reimburse any out of pocket expenses for any member of the Appeal Panel or of any person called to assist the Panel at the request of the Panel, according to the Expense Reimbursement Policy (A-2). No person will receive any honorarium, stipend or other payment for service on or appearance before the Appeal Panel.

Indemnification:

This policy shall be governed and construed in accordance with the laws of the Province of Saskatchewan. No action or legal proceeding shall be commenced against Swim Saskatchewan Incorporated in respect of a dispute, unless SSI has refused or failed to abide by the provisions for appeal and/or arbitration of the dispute as set out in this policy.