



DRAFT
The Chimo Gymnastics Club
Administration Policy
A5-1: Case Committee Policy and Procedure

Effective: January 2019
Revised:
Related Policies: A1-1: Bullying and Harassment Policy, A2-1: Complaints and Discipline Policy and Procedure, A3-1: Appeal Policy and Procedure

Purpose

In some of its policies, The Chimo Gymnastics Club (the Club) requires the appointment of a Case Committee. This Position Description outlines the role, identity, responsibilities and tasks of the Case Committee members.

Definitions

Appellant: A person who formally files an appeal, as described by the *Appeals Policy and Procedure*

Complainant: A person who formally files a written complaint to the Club

Respondent: A person whom a complaint is filed against

Policies

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

Identity

2. The individuals appointed to the Case Committee should not be connected in any way to the issue being disputed (and/or the outcome of the dispute).
3. The Case Committee's member identities do not need to be approved by any of the parties involved in the dispute, excluding the Club.

Discretion - Complaints

4. When a complaint is filed, the Case Committee member is required to:
 - a) Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
 - b) If the complaint is not within the jurisdiction of the *Complaints and Discipline Policy and Procedure* or it is frivolous, to forward it to the corresponding correct Policy (i.e. *Harassment and Bullying Policy*)
 - c) Propose the use of the Club's *Alternate Dispute Resolution Policy*
 - d) Coordinate all administrative aspects and set timelines
 - e) Provide administrative assistance and logistical support 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 Committee members are required to:
 - a) Propose the use of the Club's *Alternate Dispute Resolution Policy*
 - b) Determine if the appeal falls under the scope of the *Appeal Policy and Procedure*
 - c) Determine if the appeal was submitted in a timely manner
 - d) Decide whether there are sufficient grounds for the appeal
 - e) Coordinate all administrative aspects and set timelines
 - f) Provide any administrative, logistic or 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 Committee is not acting as the Appeal 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 Committee will need to carefully consult the Club'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 Committee 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

8. If necessary, the Case Committee 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
9. In determining the format of the hearing, the Case Committee should consider:
 - a) The distance between the parties
 - b) The animosity between the parties
 - c) The time commitment and location of the Committee members
 - d) The timelines for a decision
 - e) The language barriers between the parties
 - f) The gravity of the complaint/appeal
10. The Case Committee should adhere to the powers given to the Committee by the applicable policy. For example, if the policy does not permit the Committee to suspend the respondent indefinitely, then the Committee cannot sanction the respondent in this manner.

Communication

11. Especially when the hearing is to be held by written submissions, the Case Committee is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Committee or by the applicable policy and the process must move forward even if a party misses a deadline.
12. When coordinating an oral hearing, the Case Committee should first consider its members' schedule, 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

13. The Case Committee may implement the following procedure to facilitate the *Complaints and Discipline Policy and Procedure* or the *Appeal Policy and Procedure*:
 - a) Receive the written complaint or appeal
 - b) Communicate with the Complainant/Appellant that the Case Committee has been appointed and that their complaint/appeal will be disclosed to the Respondent. 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 on the appointment of the Case Committee and the Case Committee is in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant. 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 Committee 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 Committee may exclude such new evidence.
 - f) Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.
 - g) Renders a written decision within a prescribed timeline.