



## The Chimo Gymnastics Club Administration Policy

### A2-1: Complaints and Discipline Policy and Procedure

<b>Effective:</b>	January 2019
<b>Revised:</b>	
<b>Related Policies:</b>	A1-1: Bullying and Harassment Policy, A3-1: Appeal Policy and Procedure, A4-1: Alternate Dispute Resolution Policy, A5-1: Case Committee Policy and Procedure

The Chimo Gymnastics Club (the “Club”) is committed to providing a sport and work environment and working in the best interest of our athletes. The Club strives to act in spirit of the Mission and Vision of the Club to serve its people.

#### **Purpose**

The purpose of Complaints and Discipline Policy and Procedure is to have a formal pathway to address complaints raised by anyone who interacts with the Club, such as employees, directors, administrators, contractors, volunteers, parents, athletes, activity participants, officials, and members of the Club.

The Club will not deal with anonymous complaints and therefore these procedures do not provide for a resolution of anonymous complaints.

Where it becomes evident at an early stage that a matter should be dealt with according to other established procedures or appeals mechanisms, this policy and procedure will be set aside in favor of the agreed procedure such as, but not limited to, *Bullying and Harassment Policy*.

#### **Aim**

In operating this Complaints Procedure, we aim to:

- encourage resolution of problems by informal means wherever possible;
- allow swift handling of a complaint within established time-limits;
- keep people informed of progress;
- ensure a full and fair investigation;
- have due regard for the rights and responsibilities of all parties involved;
- respect confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary; and
- share information appropriately so that services can be improved.

You have rights as a person making a complaint. In dealing with your complaint we will ensure that you receive:

- fair treatment;
- courtesy;
- a timely response;
- accurate advice;
- respect for your privacy – complaints will be treated as confidentially as possible allowing for the possibility that we may have to consult with other appropriate parties about your complaint; and
- reasons for our decisions.

You have responsibilities as a person making a complaint. In making your complaint we would expect that you:

- wherever possible, have attempted to raise and resolve concerns through informal means with the person(s) to whom you are making a complaint;
- raise issues in a timely manner;
- treat our staff with respect and courtesy;
- provide accurate and concise information in relation to the issues you raise; and
- use these procedures fully and engage in them at the appropriate levels.

The process in this policy and procedure is non-adversarial and does not provide a role for any other statutory or non-statutory body. For this reason, legal representation or representation by person(s) acting in a professional capacity is not permitted within this procedure.

This procedure does not take away from the statutory rights of any of the participants.

## **Definition**

It is sometimes difficult to clearly demarcate between a concern and complaint and for this reason they should be viewed along a continuum. However, for the purpose of this policy, the following definitions will apply:

Concern: A concern can be defined as a matter of interest, importance or anxiety. Concerns may be informally and directly expressed to the person(s) involved, and may be resolved swiftly through informal means. Should a concern be unresolved through informal means, a person may formally forward a complaint to the Club, in accordance with the procedures in this document. At the time of receipt by the Club, a concern will become a complaint.

Complaint: A complaint can be defined as any formal and written expression of dissatisfaction, or a perceived grievance or injustice. All complaints will be dealt with under this policy and procedure, except in circumstances when: Complaints are made verbally; the complainant is seeking a swift or on the spot response and the complaint can be resolved to the complainant's satisfaction by the end of the next working day. This will be logged as a 'concern resolved by the next working day'. A complaint may be withdrawn at any time during this process.

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

Respondent: A person whom a complaint is filed against.

Appellant: A person who formally files an appeal, as described by the *Appeal Policy*.

Party: A group or a person who is a complainant, respondent, or any other 3<sup>rd</sup> party who is assigned as involved in cases outlined below.

Case Manager: An individual appointed by the Club, who need not be a member or affiliated with the Club, to administer this *Appeal Policy and Procedure*. The Case Manager will comply with the position description described in *Case Committee Policy and Procedure*.

Days: Business days excluding weekends and holidays.

In writing: A letter, fax or email sent directly to the Club in confidence.

Individual(s): Individual(s) may include anyone who interacts with the Club including, but not limited to, employees, directors, administrators, contractors, volunteers, parents, guardians, athletes, activity participants, officials, and members of the Club.

## **Procedure**

1. The Club encourages all participants to resolve any concerns through informal means, whenever possible, by first directly addressing it with the person(s) involved. When a concern cannot be resolved through informal means, an Individual may escalate the concern to a complaint, as per the definition above.
2. Any Individual may report any complaint to the Club. A complaint must be submitted in writing and must be filed within 30 days of the alleged incident. Complaints should be submitted to the Executive Director.
3. A Complainant wishing to file a complaint outside of the 30 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 30-day time frame will be at the sole discretion of the Case Committee. This decision may not be appealed.
4. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.

## Case Committee

5. Upon the receipt and review of a complaint, the Executive Director will promptly form a Case Committee to manage and administer complaints to pursue the informal, formal or alternative

dispute resolution processes. Should the Executive Director be a complainant or a respondent, the Chair of the Board of Directors or another senior staff will assume such responsibility.

6. The Case Committee comprises of one Board member, one staff member and one community member, and the Case Committee members must not be addressed or directly involved in the original complaint. The appointment of the Case Committee is not appealable.
7. The Case Committee has a responsibility to:
  - a) Determine whether the complaint is within the jurisdiction of this Policy or frivolous.
  - b) Propose the use of the Club's *Alternate Dispute Resolution Policy and Procedure*.
  - c) Coordinate all administrative aspects and set timelines.
  - d) Provide administrative assistance and logistical support to the complainant(s) and respondent(s) as required.
  - e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
8. If the Case Committee 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 Committee will notify the Parties the complaint is accepted and the applicable next steps.
  - c) The Case Committee will communicate this decision with the parties involved in writing and/or meeting at its discretion.
  - d) In cases where *Bullying and Harassment Policy* or *Alternate Resolution Policy* best serves the complaint, the complaint and parties involved may be directed to follow other policies and procedures.
9. The Case Committee's decision to accept or dismiss the complaint may not be appealed
10. The Case Committee will respond to the complainant and relevant parties within 10 working days to ensure procedural fairness and that the matter is heard in a timely fashion.
11. After notifying the Parties that the complaint has been accepted, the Case Committee will first, propose the informal dialogue between the parties with the Case Committee with the objective of resolving the dispute.
12. The Case Committee 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 Committee 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 Case Committee holds the sole right to determine and request that any individual other than the Committee, complainant(s) and Respondent(s) to participate and give evidence at the hearing.
  - e) The Case Committee 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 Case Committee.
13. If the Respondent(s) acknowledges the facts of the incident, the Respondent(s) may waive the hearing, in which case the Case Committee will determine the appropriate disciplinary sanction. The Case Committee may still hold a hearing for the purpose of determining an appropriate sanction.
14. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.
15. If a decision affects a 3<sup>rd</sup> party to the extent that the 3<sup>rd</sup> party would have recourse to a complaint or an appeal in their own right, that 3<sup>rd</sup> party will become a party and a part of the complaint procedure to the complaint in question and will be bound by the decision.
16. In fulfilling its duties, the Case Committee may obtain independent advice.

#### Decision

17. 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 ten (10) business days of the hearing's conclusion, the Case Committee's written decision, with reasons, will be distributed to all Parties and the Club. In extraordinary circumstances, the Case Committee 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 ten (10) business day period. The decision will be considered a matter of public record unless decided otherwise by the Case Committee.

#### Sanctions

18. The Case Committee 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 Club
  - d) Removal of certain privileges
  - e) Suspension from certain teams, events, programs, classes and/or activities
  - f) Suspension from all Club 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 Club or from other sources
  - j) Expulsion from the Club due to the breach of the Code of Conduct

k) Any other sanction considered appropriate for the offense

19. Unless the Case Committee decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Case Committee will result in automatic and full suspension until such time as compliance occurs. Any financial ramification resulting from this suspension will not be eligible for refund. Infractions that result in discipline will be recorded and records will be maintained by the Club.

#### Suspension Pending a Hearing

20. The Club 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 Case Committee.

#### Effect of Suspension or Expulsion

21. When a person is expelled or suspended from the organization pursuant to the policy, that person is not eligible to serve any function within the organization or attend any organization activities.

22. The Club is required to inform Gymnastics BC in writing of any suspensions or expelled members.

#### Criminal Convictions

23. An Individual's conviction for a *Criminal Code* offense, as determined by the Club, will be deemed an infraction under this Policy and Procedure and will result in expulsion from the Club. 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

24. The discipline and complaints process is confidential and involves only the Parties, the Case Committee, and any independent advisors to the Case Committee. 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

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

#### Records and Distribution of Decisions

26. Other individuals or organizations, including but not limited to, Gymnastics Canada and Gymnastics BC may be advised of any decisions rendered in accordance with this Policy.

27. Minutes and records of the meeting and any relevant information must be submitted as the record and will be held in confidence and in trust by the Board of Directors.

Appeals Procedure

28. The decision of the Case Committee may be appealed in accordance with the Club's *Appeal Policy*.