

REGINA OPTIMIST DOLPHINS SWIM TEAM

Handbook

September 1, 2018

The Handbook describes the key policies and procedures of the RODS, and may be revised by the Board of Directors at any time upon reasonable notification to the Membership, or by Members semi-annually at General Meetings. Similar and other policies, when required to be in the bylaws and articles, are also described in the Club's bylaws and articles.

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General

- 1) The official name of the organization is the **Regina Optimist Dolphins Swim Team**. The Regina Optimist Dolphins Swim Team (the “RODS”, “Regina Dolphins”, or “Team”) a non-profit corporation, registered with the Government of Saskatchewan Corporate Registry. The Club is also a Member of Swim Saskatchewan Inc. (“SSI”) and SaskSport.
- 2) The mission of the RODS is:
 - a) "THE REGINA OPTIMIST DOLPHINS SWIM TEAM EXISTS TO DEVELOP EACH SWIMMER TO HIS OR HER FULLEST POTENTIAL THROUGH QUALITY PROGRAMS"
- 3) The values that guide RODS decision-making and activities are as follows:
 - a) Respect: We treat everyone like we want to be treated.
 - b) Excellence: We strive to be the best in all that we do through continuous improvement and dedication.
 - c) Accountability: We take responsibility for our actions and their impact on others.
 - d) Volunteerism: We are a Club built on individuals giving of their time, skills and support.
 - e) Tradition: We strive to uphold the history of the Club while moving forward.
- 4) The motto of the Regina Optimist Dolphins Swim Team is: *Pride, Discipline, Loyalty, Commitment and Respect*.

Policies

- 5) The Handbook describes the key policies and procedures of the RODS and may be revised by the Board of Directors at any time upon reasonable notification to the Membership, or by Members semi-annually at General Meetings. Similar and other policies, when required to be in the bylaws and articles, are also described in the Club’s bylaws and articles.

Registration

- 6) The RODS are open to any youth regardless of race, creed, religion, sexual orientation or national origin provided they meet the swim skill requirements, abide by the Code of Conduct and that their fee and fundraising requirements are met.
- 7) Our Club Members are comprised of swimmers of all ages and levels, their parents and guardians.
- 8) The RODS reserve the right to deny Membership to:
 - a) Members or applicants whose actions have not or do not abide by the Code of Conduct set out by the RODS; and/or,
 - b) Members or applicants that have been disciplined, expelled, or denied Membership by this or any other swim clubs or sport organizations.
 - c) Applicants who do not pass a swimming assessment conducted by coaching staff.
- 9) Before a swimmer is permitted to begin training, swim families must:
 - a) register online on the Club website: www.reginadolphins.com;
 - b) register or validate online on the Swimming/Natation Canada (“SNC”) site;
 - c) submit required forms to the Club registrar;
 - d) provide a method of payment to cover annual fees and registration;
 - e) confirm completion of the Respect in Sport Parents Program; and,
 - f) receive notification of Membership approval by the Club.
 - g) provide a valid credit card for billing purposes.
- 10) Returning swimmers will have priority at registration, and they will receive notification that indicates when registration is open. The notification will include all registration requirements.
- 11) A mandatory meeting will be held in September for all parents. This meeting will outline the club’s vision, mission, fundraising and volunteer requirements.

Programs

12) Details of RODS programs are available on the website www.reginadolphins.com.

Fees

13) Fee schedules are prepared, reviewed and approved by the Board. These schedules will be published on the RODS website www.reginadolphins.com prior to the RODS Semi-Annual General Meeting.

14) The fees levied include the following:

a) Junior Dolphin Program fees include:

- i) an annual Membership fee,
- ii) session fees.
- iii) Annual SNC fee

b) Competitive Program fees include:

- i) annual Membership fee,
- ii) annual fees,
- iii) Annual SNC (Swimming Canada) fees
- iv) Meet fees
- v) fundraising fees,
- vi) volunteer fees

c) Varsity Program fees include:

- i) an annual Membership fee.

15) All other terms and conditions are outlined in the Fee and Meet Surcharge Policy.

Family Account Statements

16) Family Account Statements are available online on the RODS website.

17) The Club requires its Members to keep their accounts current. If accounts are not paid after 30 days, a written notice will be provided to the parent Member, noting that Membership will be suspended at 61 days.

18) The Club may charge penalties to the Family Account Statement if families do not meet volunteer requirements at RODS-hosted meets.

Swim Meet Costs and Policies

19) The Club prepares its swim meet schedule and travel budget on an annual basis when the Club's Annual Budget is being prepared. The swim meet schedule and travel budget are reviewed monthly by the Board.

20) Surcharges guidelines for meets are set by the Board and are published in the Fee and Meet Surcharge Policy available on the website: www.reginadolphins.com.

21) Any meets or training camps not included in the travel budget, or that arise during the budget year, will have their costs directly assessed and charged to the participating swimmers' Family Account Statements, noting that:

- a) the assessment will cover the cost of entry fees, pool costs, transportation and accommodation for swimmers, Coaches and Chaperones;
- b) parents of the affected swimmers will be advised of these additional costs prior to giving permission for their swimmer(s) to attend; and,
- c) the Team Manager has the authority to work with the Head Coach and the Director of Swimming to identify alternative financial arrangements to reduce the cost to families for additional meets and/or training camps.

Fundraising

- 22) The Club undertakes corporate and special project fundraising activities, which include:
- a) **Mandatory** – where participation is required and the proceed of the event flow to the club for operating
 - b) **Voluntary** – where participation is not required, and proceeds of the event are allocated to those families who have participated.
 2. A minimum of 15% of all voluntary fundraising is retained by the club for administration.
 3. The remainder is allocated to the family account based on the formula approved by the Board for the event.
 4. The Board will ensure the fundraising opportunities are fairly offered to all members.
- 23) Fundraising activities include but are not limited to:
- a) Hosting events or meets to attract corporate sponsorships
 - b) Special projects to raise funds that may or may not be mandatory; and,
 - c) Opportunities for families to offset expenses in their Club accounts by working at bingos, event beer sales, or other similar projects.
- 24) Fundraising credits whether mandatory or voluntary are not refunded or transferrable when a family leaves the club. This pertains to SLGA fundraising credits only.
- 25) If the family has a credit on their account due to fundraising credits only, the club will hold that balance for one additional year. If at the end of that year, the family has not returned, credits will revert into the Club's general account.

Chaperones and Travel Policies

- 26) Chaperones are selected by the Team Manager and Head Coach and must follow all rules and regulations in the Chaperone Guide:
- a) the Team Manager and head coach shall have discretion over the number of Chaperones per meet based on the age of the swimmers and the experience of the Chaperone;
 - b) The second coach can be acting as chaperone or team manager
 - c) all Chaperones must attend the Chaperone's clinic on an annual basis; and,
 - d) all Chaperones must have a valid and approved Criminal Record Check ("CRC") including Vulnerable Sector and Sex Offender checks on file with the Club. To be updated every 3 years.
- 27) In the event of adverse weather during travel, the bus driver, Coaches and the Chaperones will determine if it is safe to travel, noting that:
- a) the incremental cost of the bus will be charged to the Club;
 - b) the incremental cost of the hotel will be added to the swimmer's surcharge; and,
 - c) the Chaperone will send out an email to each swimmers' family with the expected arrival time.
- 28) All swimmers are expected to travel with the team, noting that:
- a) exceptions related to accommodations require approval from the swimmer's parent/guardian, Coach and the Team Manager and head coach. The request should be made via an email on the Team Unify sign-up page;
 - b) no exceptions will be granted after the meet entry date;
 - c) written permission is required from the parent or guardian in order for a swimmer to travel unaccompanied; and,
 - d) if there is a request for the swimmer to leave with their parents/guardians at the end of the meet, the Head Coach and the Team Manager must approve this request prior to departure.

Travel Per Diems

- 29) The Rods will pay a per diem to those travelling on approved Team business as outlined in the Fee and Meet Surcharge policy. Per diems will be reviewed and approved by the Board on an annual basis for Members, Staff, or others travelling on approved Team business.
- the Team will pay an amount per kilometer where transportation is not provided; Or a flat gas fee.
 - no travel expenses will be paid where transportation is provided;
 - the Team will cover all costs for suitable accommodation and necessary ground transportation
 - the Team will provide an allowance for meals when not provided.

Governance/Board of Directors

- 30) The Board of Directors consists of volunteer Members elected to manage the affairs of the Team.
- 31) Interim board members are allowed mid-season to fill vacant positions and will be voted in at the SAGM.
- 32) Board positions are elected for two-year terms, with half of the positions filled in alternate years to provide continuity in Rods administration, noting that:
- All parents or guardian Members of active swimmers are eligible for Board positions;
 - One Board position may be filled by an Associate or Honorary Member, as described in the bylaws, that resides in Regina, Saskatchewan; and,
 - Spouses or coworkers with direct reporting relationships of existing Board Members are not allowed to serve on the Board at the same time.
- 33) Only Directors are eligible to vote at Board meetings. Robert's Rules of Order governs the procedure at all Board meetings.
- 34) Chairs and/or Committees comprised of Club Members who are not Members of the Board may be appointed by the Board to accomplish specific functions. Chairs may attend Board meetings, but will report through a Director, and are not eligible to vote.
- 35) Members who wish to attend Board meeting must submit agenda items in writing to the President seven (7) days prior to the date of the meeting. Upon approval by the President, Members may attend the portion of the meeting addressing their agenda item; however, Members may not attend other portions of the meeting.
- 36) Each November, the Rods hold its Annual Meeting. Every May/June, new Directors are elected, and the Budget is reviewed at the Semi-Annual Meeting.
- Board members must be a member of the Rods for a minimum of 1 year prior to running for a board position.
 - Must be a member of the board for a minimum 1 year prior to being on the executive.
- 37) Each Board Member is designated two-year terms and duties and are as follows:
- President** (elected on odd numbered years)
 - acts as the Chief Executive Officer of the RODS;
 - Presides at all general, directors and executive meetings in accordance with the bylaws, articles, rules and regulations of the team.
 - encourages all board members to participate in meetings and activities;
 - keeps the board activities focused on the organization's mission;
 - calls all general, special and directors meetings;
 - is an ex-officio Member of all Committees;
 - oversees that team business is properly managed by the persons' responsible;
 - liaises with the Optimist clubs of Regina;
 - maintains, evaluates and updates the Team's long-range plans;
 - orients board members and committee chairpersons to the Board;
 - liaises with GM, all Directors and Past president and;
 - represents the Team when necessary.

- b) **Past President** (2-year position)
 - i) counsels the President and Board
 - ii) advises committees if required.
 - iii) Shall be an ex-officio advisor to the board and shall sit for a maximum of 2 years,
 - iv) Works to maintain continuity with the team, current to past alumni,
 - v) Is responsible to provide Board orientation information to all new Board members,
 - vi) liaises with Swim Sask Winter club committee
 - vii) Works on a forward plan

- c) **Director of Finance** (elected even-numbered years)
 - i) develops and maintains the Team's Finance policy;
 - ii) manages the finances of the organization, and oversees payroll, budgeting, grants and maintaining records;
 - iii) maintains the Family Account Statements on a monthly basis;
 - iv) provides the Board with accurate and timely financial statements;
 - v) ensures that all fiduciary responsibilities as described in The Non-Profit Corporations Act (1995) is complete in a timely manner; and,
 - vi) orients the new Director of Finance;
 - vii) chairs the Finance Committee.

- d) **Director of Fundraising** (elected odd-numbered years)
 - i) with his/her Committee, researches, develops and co-ordinates all fundraising activities for the Club and maintains all necessary records for each;
 - ii) transfers all records and funds to the Director of Finance for each activity; and,
 - iii) records and evaluates all fundraising activities.

- e) **Director of Swimming** (elected odd-numbered years)
 - i) develops relevant Board policies and/or processes regarding recruitment, hiring practices and hiring Committees;
 - ii) serves on the Executive committee;
 - iii) monitors and communicates with the Head Coach about their performance standards of the general Club swim program as set out in the contract, and its appendices;
 - iv) develops and maintains Staff orientation materials, the Emergency Action Plan, and the Injury Management Policy;
 - v) liaises with outside agencies such as the City of Regina;
 - vi) helps plan and budget the annual swim meet schedule; and,
 - vii) coordinates and supports Chairs of various Committees, including Meet Management.

- f) **Secretary** (elected even-numbered years)
 - i) keeps accurate records of all business and related affairs of the organization;
 - ii) records, types and circulates minutes and correspondence for all Board meetings and special meetings;
 - iii) types correspondence as required, files required forms and information following General meetings;
 - iv) Is responsible for disposing of records in a secure and confidential manner;
 - v) prepares agenda for all meetings (if not done by the President) and circulates it to Board members prior to such meeting.

- g) **Director of Admin:** (elected even number of years)
 - i. Develops and maintains a membership database;
 - ii. Is responsible for nominating committee;
 - iii. Develops and maintains screening policies for members, board members, volunteers and staff;
 - iv. Responsible for registering swimmers with appropriate organizations;
 - v. Coordinates and supports chairs of various committees, including membership.

h) **Vice-President** (elected even number of years)

- I. Acts in absence of the President;
- II. Serves on the executive committee;
- III. Learns the duties of the President and keeps informed on key issues;
- IV. Works closely as consultant and advisor to the President;
- V. Prepares to serve a future term as President;
- VI. Chairs at least one major committee;
- VII. Orients the new Vice-chair person.

i) **Director at Large** (elected even-numbered years)

- i) assumes responsibility for special projects and other duties, as required;
- ii) Attends all board meetings.

- 38) The following Committees are comprised of more than one Member and a designated Director:
- a) Fundraising;
 - b) Bingo;
 - c) Social;
 - d) Finance;
 - e) Discipline;
 - f) Meet Management;
 - g) Officials
 - h) Team Clothing;
 - i) Membership;
 - j) Nominating; and,
 - k) Corporate Sponsorship/Marketing
- 39) One person will be appointed, and may form a Committee, to liaise with others regarding:
- a) SSI;
 - b) Winter Club Liaison;
 - c) Swim Records;
 - d) Newsletter;
 - e) Public Relations/Media; and,
 - f) Club Policies.

Record Keeping of Documents and Personal Information

- 40) Records are defined as one of three categories:
- a) Permanent (kept indefinitely)
 - i) Articles of incorporation, amendments, bylaws, policies
 - ii) Annual returns, annual reports, yearbooks, Annual and Board minutes
 - iii) Past Board and Membership records-name, addresses, years
 - iv) Audited annual and monthly financial statements (Minute Book)
 - v) General ledgers and accounting journals
 - vi) Other records required by Revenue Canada circular IC 78-10
 - vii) Annual numerical listing of tax receipts issued
 - viii) Past legal contracts (including Staff), correspondence relating to legal action
 - ix) Final report for projects
 - x) Past strategic plans
 - xi) Samples of promotional materials
 - xii) Manuals on swim meets
 - xiii) Employee pay records, benefit information, personnel recs
 - xiv) Equipment purchase records
 - b) Temporary (kept for two years after fiscal year end)
 - i) Correspondence
 - ii) Committee Reports
 - iii) Swim meet entries and documents
 - iv) Duplicate tax receipts
 - v) Non-essential records
 - c) Other (kept for six years after fiscal year)
 - i) Fundraising and Membership financial reports
 - ii) Financial records not specified as Permanent Records
 - iii) Records of which volunteers of Staff are unsure

- 41) Records may be shredded after the appropriate waiting period. If there is doubt about whether records should be kept, the matter should be referred to the Board or President.
- 42) Members' information can only be accessed as required:
 - a) personal information provided by Members at registration can be accessed only by Board Members and Team Staff and will be shredded at the end of the Club's fiscal year.
 - b) medical information can be accessed only by the Director of Team Management, Coaches and Chaperones. This information will be kept confidential at all times.
 - c) CRCs can be accessed only by the Director of Team Management and will be kept confidential and shredded when expired.

Harassment Policy

- 43) The Club abides by the Harassment Policy set out by SSI, which can be found at www.swimsask.ca.

Codes of Conduct

- 44) The RODS prescribe Codes of Conduct, which sets out the Club's expectations for swimmers, parents and guardians, Board Members, and Staff. All Members and Staff shall enter into binding contracts to abide by the Codes of Conduct as a precondition to inclusion within the Club. Such Codes of Conduct and contracts appear on the Club's website at www.reginadolphins.com.
- 45) Alleged violations of the Code will be classified either as Minor or Major Infractions by the Head Coach, President or another Board Member that has been assigned this responsibility.

• Minor Infractions

- 46) Minor Infractions include, but are not limited to:
 - a) Use of tobacco products, including snuff and chewing tobacco, by minors;
 - b) A minor disturbance or disruption after quiet time;
 - c) Inappropriate or disrespectful behavior or comments;
 - d) Unsportsmanlike conduct such as arguing;
 - e) Curfew violations;
 - f) Being late or absent from RODS activities or functions; and,
 - g) Failing to follow the dress code.

• Major Infractions

- 47) Major Infractions include, but are not limited to:
 - a) Offensive, abusive, racist or sexist comments or actions;
 - b) Inappropriate social media comments or suggestions, that are offensive, obscene, unlawful, threatening, abusive, harassing, defamatory, hateful, invasive of another's privacy, defamatory or otherwise objectionable or any material which is designed to cause annoyance, inconvenience or needless anxiety to others, or that negatively impacts the reputation of the RODS;
 - c) Involvement or providing support to "hazing" or "initiation" rituals;
 - d) Use of alcohol by a minor at any time;
 - e) Positive drug test at SNC sponsored meets;
 - f) Any activity or offense deemed criminal by law;
 - g) Repeated Minor Infractions;
 - h) Unsportsmanlike conduct such as fighting;
 - i) Bringing disgrace to the Team;
 - j) Major disruptions;
 - k) Activities or behavior which disrupt competition; and,
 - l) Pranks, jokes or other activities which endanger the safety of others.

• Initiation of Complaints

- 48) In cases of alleged Minor or Major Infractions, the RODS will only initiate disciplinary procedures when a complaint is made in writing by a Member or Staff during all Club sanctioned activities as follows:

- a) the Member or Staff who makes the complaint (the Complainant) must identify the other party or parties involved (the Respondent(s)), must state, in general terms, the nature of the complaint and must identify the provision in the Handbook, Code of Conduct or Harassment Policy, which is alleged to have been violated;
 - b) complaints regarding swimmers or Staff shall be made to the Head Coach. If the Head Coach considers the complaint a Major Infraction, it shall be referred to the President;
 - c) complaints regarding parent or guardian Members, or Board Members shall be made to the Club President; and,
 - d) the complaint must be filed within one year (365 days) of the alleged violation.
- 49) 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.
- 50) Either party may, at any stage of the process, submit a remedy for the complaint. 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 will be signed by both parties and shall be the permanent record of the disposition of the complaint.

• **Determination of Minor Infractions**

- 51) Minor Infractions by a swimmer shall be dealt with by the Head Coach or Coach/Member assigned this responsibility. The Head Coach or Coach/Member assigned this responsibility shall investigate the Minor Infraction and summarily decide whether the alleged Minor Infraction has merit and, if so, to impose whatever penalty he/she deems fit which may include:
- a) mediate discussions between the relevant parties to establish a corrective plan or reach a settlement that is mutually acceptable;
 - b) requiring an apology; and/or,
 - c) eject or suspend a swimmer or Staff from Club activities for up to one week.
- 52) Minor Infractions by Staff shall be dealt with by the Head Coach or Director of Swimming. The Head Coach or Director of Swimming shall investigate the minor infraction and summarily decide whether the alleged Minor Infraction has merit and, if so, to impose whatever penalty he/she deems fit which may include:
- a) mediate discussions between the relevant parties to establish a corrective plan or reach a settlement that is mutually acceptable;
 - b) requiring an apology; and/or,
 - c) eject or suspend a swimmer or Staff from Club activities for up to one week.
- 53) Minor Infractions by a parent or guardian Members, or Board Member shall be dealt with by the President or to a Board Member who has been assigned this responsibility. The President or Board Member shall inform the Respondent that a complaint has been received, investigate the Minor Infraction and may make a summary judgment as to whether the alleged Minor Infraction has merit and if so to impose whatever penalty he/she deems fit which may include:
- a) mediate discussions between the relevant parties to establish a corrective plan or reach a settlement that is mutually acceptable;
 - b) requiring an apology; and/or
 - c) reject or suspend the parent or guardian Member, or Board Member from Club activities for up to one week.

• **Determination of Major Infractions**

- 54) Upon receiving a complaint alleging a Major Infraction, the President shall appoint one or more Investigators (the "Investigator"), who shall be uninvolved and impartial Members who are not on the Board of Directors, and who will make such inquiries as are necessary to determine whether charges should be laid against the Member for determination by a Discipline Committee.

• **Role of the Investigator**

- 55) Investigator is authorized to conduct the inquiry in any manner that is consistent with the principles of natural justice, which shall include informing the Respondent of the complaint and providing the Respondent with an opportunity to respond.

- 56) At the completion of the investigation, the Investigator will submit a written report to the Board (the "Investigation Findings"). The Investigation Findings 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.
- 57) If there is sufficient evidence to warrant a hearing, the Investigation Findings will state specifically the charge(s) to be laid against the Member. The Investigation Findings will not include details of the evidence.
- 58) If there is sufficient evidence to warrant a hearing, the Investigator will provide a further report to the President summarizing the evidence to be presented to the Discipline Committee (the "Summary of Evidence"). The Summary of Evidence must also be provided to the Respondent at the time that the Respondent is informed of the charge(s). The Summary of Evidence shall not be given to the Discipline Committee as evidence; instead, the Discipline Committee must hear the evidence itself.
- 59) The investigation of a complaint or of an allegation of breach of the Code of Conduct or the Harassment Policy should be completed within 60 days of the day the complaint/allegation was made to the President.

Discipline

• Role of the Discipline Committee

- 60) If the Investigation Findings state that there is sufficient evidence to warrant a hearing before the Discipline Committee, the Board Members will appoint a Discipline Committee consisting of three Board Members.
- 61) The Discipline Committee shall be comprised of Board Members with no vested interest in the case to be heard, or any knowledge that could constitute a bias in the matter to be heard.
- 62) Board Members may be asked to serve on more than one Discipline Committee, but cannot serve on more than one Discipline Committee simultaneously.
- 63) The RODS endorse that all proceedings of the Discipline Committee will be conducted in accordance with the principles of natural justice, which 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:
 - a) the right to full disclosure of the charge and of the evidence supporting the charge;
 - b) the right to timely resolution of the matter;
 - c) the right to representation, including the right to legal counsel;
 - d) the right to challenge the impartiality of any Member of the Discipline Committee prior to the commencement of a hearing;
 - e) the right to request that proceedings of the Committee be held in camera if the matters to be discussed are of a sensitive nature;
 - f) the right to present evidence in defense of the charge, including the right to call witnesses to give evidence to the Discipline Committee;
 - g) the right to cross-examine witnesses;
 - h) the right to hear the decision of the Committee and to speak to penalty; and,
 - i) the right of appeal from any decision of the Committee.
- 64) The Respondent 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.
- 65) The Investigator shall ensure that all documents, except for the Investigator's Summary of Evidence, witnesses, and other evidence, are available for the hearing before the Discipline Committee. The Investigator shall attend the hearing for the purpose of questioning the witnesses and presenting the evidence to the Discipline Committee.
- 66) Hearings before the Discipline Committee should occur within 60 days of the appointment of the Discipline Committee. The decision of the Discipline Committee shall be presented no later than 15 days after the conclusion of the hearing.
- 67) The Discipline Committee may request legal advice or assistance or the involvement of Dispute Resolution services available to members of SaskSport. A request for legal assistance or a referral to Dispute Resolution

will not be used as a device to delay the resolution of any matter that has been referred to a Discipline Committee.

• Penalties

- 68) The Discipline Committee will keep a full record of the proceedings which shall include an audio recording of the hearings, and shall provide a written report including the decision, the reasons for the decision, the penalty if any, and any other recommendations to the Board.
- 69) 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.
- 70) 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:
 - a) suspension of Membership for a period of time;
 - b) revocation of Membership permanently;
 - c) financial penalty; or,
 - d) restitution.
- 71) 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.
- 72) In accordance with the policy of SaskSport, the Board has a duty to inform SaskSport if any Member (athlete, Coach, or individual) is suspended for a period more than one year, or if Membership is revoked. The notification must include details of the charges against the Member.

• Discipline Committee Appeal

- 73) A Member found guilty of a Minor Infraction by the Head Coach, President, or President's delegate, or a Member found guilty of a Major Infraction by the Discipline Committee will have the right of appeal from the decision or from the penalty imposed. Any such appeal must be made in writing to the President within seven (7) days of the summary decision of the Head Coach, President or President's delegate or the judgment of the Discipline Committee, and set out reasonable rationale why the Board should consider the appeal. Engaging the appeal process does not result in the penalty being uplifted or postponed.
- 74) The appeal is not a re-hearing. The Board shall only overturn the Discipline Committee's discretionary decision, if the Respondent demonstrates that the Discipline Committee made an error.
- 75) The appeal will be heard by the Board, except any Director who was appointed to the Discipline Committee or who has direct knowledge of the matter.
- 76) 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.

Dispute Resolution

- 77) This policy applies to any dispute between the Members of RODS, its Staff, Committees or volunteers arising from their respective responsibilities and obligations as set out in any policies of the RODS, and applies specifically to disputes over any decisions of the RODS, 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.
- 78) This policy may not be used to:
 - a) debate the merits of a policy unless the policy can be shown to be unfair to an identifiable group;
 - b) debate budgetary allocations among programs, nor to debate operational matters within the RODS;
 - c) adjudicate disputes arising from interpretation of the rules of swimming as set out in the Rulebook of SNC;
 - d) resolve disputes involving the policies of any jurisdiction superior to RODS, including but not limited to SSI, SNC or SaskSport, or any matters governed by FINA or other international authorities; and,

- e) address breaches of personal conduct, as defined in the Member Code of Conduct or in the Harassment Policy, which shall be referred to the Discipline Committee.

- **Submission of Written Statements**

- 79) The President will 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.
- 80) 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.
- 81) The RODS will supply a copy of each party's submission to the other party. The complainant and the respondent shall have seven (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**

- 82) Upon receipt of the written documentation, the President shall strike a Dispute Resolution Panel. A Dispute Resolution Panel must include at least three Members, one of whom must be a Board Member. Any person who is involved, directly or indirectly, in the dispute may not be a Member of the Panel.
- 83) 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.
- 84) The Panel will choose a Chair from among its Members. Minutes will be kept of any meetings of the Panel.

- **Meetings of the Dispute Resolution Panel**

- 85) Within seven (7) days of receipt of the written documentation, the Dispute Resolution Panel (the "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 will not be present or be represented at the meeting. The Panel will 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.
- 86) 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.
- 87) 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.
- 88) The Panel will 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**

- 89) The 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 Chair. The decision of the Panel shall be binding upon both parties and upon the RODS.
- 90) The Chair will prepare a written statement of the decision of the Panel, and will ensure that the Complainant, the Respondent and the Board receive a copy of the decision within seven (7) days. The decision shall be effective on the date it is made, notwithstanding the preparation of the written decision.

- 91) The Panel may decide:
 - a) to uphold the complaint;
 - b) to deny the complaint;
 - c) 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 set out by the RODS.
- 92) 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.
- 93) 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.
- 94) The Panel may not revoke or revise any policy of the Team. However, if the Panel finds that a policy is unclear or unfair, or is open to significant misinterpretation or misapplication, the Panel will advise the Board or the responsible Committee of the Board to review that policy at its earliest opportunity.

• **Dispute Resolution Appeal**

- 95) Decisions of a 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.
- 96) Any appeal from a decision of a Panel shall be to the Board, excluding any Member who has been a Member of the Panel or who has other prior involvement in the matter.
- 97) 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.
- 98) 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 blatantly 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 Agencies**

- 99) Matters that cannot be resolved satisfactorily within the RODS may be referred to SSI or to the Dispute Resolution Process of SaskSport. 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. An appeal of discipline can be referred to SSI. Any complaints that allege a violation of the Criminal Code of Canada will be referred to the appropriate law enforcement office for investigation.