

DISCIPLINARY POLICIES AND PROCEDURES

Updated March 4, 2020

Individuals choose to become members to participate in the Club's programs and opportunities. Members are expected to comply with the Constitution and Bylaws, Policies and Procedures and other Club Regulations (collectively herein referred to as "Club Rules"). The Club Code of Conduct provides the standard of behaviour expected. Failure to comply with Club Rules will result in application of these Disciplinary Policy and Procedures.

Disciplinary Policies:

Jurisdiction for Disciplinary Action

1. The Policy applies to all members of the BC Aquasonics.
2. The Policy applies to discipline matters that may arise during the course of all BCAQ business, activities and events, including but not limited to club practices, training, competitions, events, club activities, meetings, and travel associated with these activities.
3. Discipline matters arising from practices, training, competitions, activities, meetings or travel directly under the jurisdiction of BC Artistic Swimming Synchro BC, Synchro Canada Canada Artistic Swimming or any other Artistic Swimming Synchro organizations will first be addressed using the discipline policies and mechanisms of such organizations. The BC Aquasonics may choose to recognize and adopt any disciplinary measures taken by the other applicable organization.
4. The Club has a duty of care to protect our athletes from harm. Any reported or witnessed harassment, assault, or illegal activity must be reported to the appropriate authorities and their jurisdiction supersedes this policy.
5. All club coaches, Board members and other key volunteers will go through an annual review of this policy and handling minor and major infractions.

Types of Infractions

The club recognizes two types of infractions of Club Rules:

1. **Minor Infractions:** Minor infractions are categorized as minor breaches of the Code of Conduct by members that may occur from time to time during training, competition, club events and club business. Examples of minor infractions include, but are not limited to, single incidents of:
 - a. Disrespectful, offensive, abusive, racist, or sexist comments or behaviour directed towards others including peers, opponents, athletes, coaches, officials, administrators, spectators, parents, chaperones and sponsors
 - b. Unsportsmanlike conduct such as angry outbursts or arguing
 - c. Not being properly prepared on time to train
 - d. Being late or absent from BC Aquasonics events and activities at which attendance is expected or required

- e. Avoiding components of training without an appropriate reason such as injury (i.e. "cheating")
- f. Breaches of the social media policy such as posting inappropriate comments about the Club
- g. Deliberate or intentional inappropriate physical contact during routines or training such as kicking, pushing, or pulling another athlete, not required in the routine
- h. Non-compliance with the rules and regulations under which competitions are conducted, whether at the local, provincial, national or international level

2. **Major Infractions:** Major infractions are all situations of non-compliance of any Club Rules by a member that is not considered to be a minor infraction. Any infraction at a competition is considered to be a major infraction. Major Infractions are breaches of Club Rules that include, but are not limited to:

- a. Repeated incidents (3 or more) of minor infractions in the same season that have resulted in an incident report
- b. Activities or behaviour which interfere with a competition or with any athlete's preparation for a competition
- c. Pranks, jokes or other activities which endanger the safety of others
- d. Physical harm or harassment of another person
- e. Deliberate disregard for the rules and regulations under which CASSA events are conducted, whether at the local, provincial, national or international level
- f. Abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely
- g. Any use of alcohol, tobacco, vaping, cannabis products such as CBD and THC by minors
- h. Any use of illicit drugs, narcotics, banned performance enhancing drugs or methods
- i. Non-compliance with the Code of Conduct, including athletes at competitions, and incidents of misconduct between members
- j. Non-compliance with any other Club Rules, including the Constitution and Bylaws, Policies and Procedures and other Club Regulations
- k. Any formal charge of illegal activity against the member or conviction for illegal activity of the member that may, in the opinion of the Disciplinary Committee, negatively affect the public reputation and goodwill of the Club

Scope of Disciplinary Action

Minor Infractions

1. Most minor infractions will be dealt with on site by the appropriate person having authority over the athlete, usually the designated team coach or Head Coach, unless otherwise stipulated for a particular event.
2. Where the coach determines that a verbal reprimand is the only action necessary, the parents will not be notified and no incident report will be written. Coaches may keep informal notes on the incident.
3. Where the coach determines that the incident warrants writing an incident report, the Head Coach will be advised and parents of minors will be informed. A copy of the incident report will be provided to the member and to the parents of a minor member.

4. In determining any disciplinary action, the Coach and/or Head Coach may seek advice from a member of the Executive who has no direct conflict of interest with the member or situation.
5. One or more of the following disciplinary actions can be applied for minor infractions:
 - a. verbal reprimand, with no further action or Incident Report (most incidents)
 - b. verbal reprimand with an Incident Report placed in the member's file
 - c. verbal apology from the member to the coach, team and/or club, with an Incident Report placed in the athlete's file
 - d. written reprimand to the member, a copy of which is placed in the member's file with the Incident Report
 - e. hand-delivered written apology from the member to the team and/or club, a copy of which is placed in the member's file with the Incident Report
 - f. team service or other voluntary contribution to the club, tracked in the member's file, with the Incident Report
6. With the exception of 5.a above, parents of minors will be involved in the disciplinary process of the athlete.
7. The third, and any following, minor infractions with an Incident Report filed in any one membership year will automatically be defined as "major infractions," with the application of major infraction policies and procedures.

Infractions During a Competition

1. Any infraction at a competition is considered to be a major infraction.
2. A competition period is defined as the start of travel to a competition through to return to the home residence after the competition.
3. If an athlete or coach is alleged to have been involved in an infraction during a competition period, the Head Coach or senior BC Aquasonics senior representative may, after due diligence in gathering information and discussion with the athlete and parent/guardian of minors, and as an interim measure, invoke any of the following:
 - a. Withdrawal from non-competitive events at the competition (eg: athlete banquet)
 - b. Withdrawal from selected segments of the competition (eg: individual figures, solo event but not team)
 - c. Suspension from all remaining elements of the competition, including the possibility of being sent home early from the competition
4. Disciplinary action shall be for the duration of the current competition only. Post-competition, the major infraction enters the normal channels as described in the procedures below.

Major Infractions

1. Major infractions are dealt with by the Club Disciplinary Committee in accordance with the policies and procedures herein.
2. If, in the opinion of the President (or Vice President where the President has a conflict of interest), the safety of members may be compromised, the alleged offender and others involved in the incident may be temporarily withdrawn from training during the disciplinary process.

3. A Disciplinary Committee will be appointed by the President or designate to form an incident-specific Disciplinary Committee for each matter placed before it, with one committee member appointed as the Chair.
4. A Disciplinary Committee is formed of a minimum of 3 individuals who are not involved in the incident or have a conflict of interest. The committee can include the Head Coach, a coach from another team, Club volunteers, and members of the Executive.
5. Where the allegations are serious, involving illegal activity or significant harm to the team, a member, or the Club, the President or Vice-President will appoint committee members from a pool of outside experts with expertise in sport discipline.
6. Any committee members shall excuse themselves from any matter in which they have personal knowledge, or where there is a close personal connection to any complainant or respondent.
7. Parents / guardians of minors involved in a major infraction will be part of any disciplinary process that takes place.
8. All Major Infractions will be documented in an Incident Report to be placed in the member's file.
9. One or more of the following disciplinary actions can be applied for major infractions:
 - a. written reprimand to be placed in member's file
 - b. hand-delivered written apology to an individual involved or the Club, whichever is appropriate, and to be placed in the member's file
 - c. suspension from a particular Club event(s)
 - d. suspension from upcoming competitions
 - e. suspension from coaching at the Club for a designated period of time that will not exceed more than 12-months from the infraction occurrence (if a club coach) and notification to Synchro BC of the suspension
 - f. suspension from membership in the club for the remainder of the season or a designated period of time that will not exceed more than 12 months from the infraction occurrence and notification to Synchro BC of the suspension
 - g. permanent expulsion from the Club and notification to Synchro BC of the expulsion
10. Where an athlete has returned to the Club following a suspension, any subsequent major infraction will result in permanent expulsion from the Club.
11. The incident-specific Disciplinary Committee is disbanded at the end of the process

Disciplinary Procedures

Minor Infractions

1. A very minor incident by an athlete may be handled by the coach with a reminder to the athlete about expected behaviour or through a carefully worded verbal reprimand to the athlete with no further action taken or incident report made.
2. If the minor infraction requires a disciplinary discussion to take place, an Incident Report must be filed with the Head Coach, and the incident addressed within the parameters outlined below.

3. The coach should immediately verbally advise the athlete that a minor infraction has occurred, and that further discussion will take place at a specified time.
4. The discussion should take place as soon as possible after the practice or training period has ended, and at a time where the athlete's parent / guardian can be in attendance, if the athlete is a minor.
5. Coaches will advise the Head Coach of the incident and ask her to be present at the discussion with the athlete and parent / guardian.
6. In the presence of her parent / guardian, the athlete must be told specifically what the nature of the infraction is, and be given an opportunity to explain their behaviour or provide information concerning the infraction.
7. Decision options:
 - a. No Disciplinary Action – the matter is considered closed and the Incident Report Destroyed
 - b. Disciplinary Action:
 - i. the decision about the type of discipline will be made within 24 hours of the discussion, and the athlete and parent / guardian advised by email immediately.
 - ii. any disciplinary action taken for minor infractions from option "b" through option "f" on the disciplinary list above shall be reported in writing using the club Incident Form which is placed in the athlete's file.

Disciplinary Procedures within a Competition Period

1. For an infraction occurrence during a competition period, the infraction may be dealt with immediately by the Head Coach:
 - c. the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
 - d. if the Head Coach is directly involved in the infraction, a senior BCAQ representative in a position of authority will make the necessary decisions on the Club's behalf.
 - e. A parent / guardian of a minor involved in a major infraction must be informed of the incident and be part of any information gathering / disciplinary discussion at the competition (teleconference or VOIP if necessary)
2. At the conclusion of the competition, the Incident Report, with information gathered and an explanation for action already taken shall be immediately forwarded to the President or designate to start the formal Disciplinary Committee process.

Major Infractions

Submission of an Incident Report Form and Initiating the Process

1. Any member of the Club may report a major infraction using the Incident Report Form, directed to the Club President or designate.
2. The Report should be submitted within 7 days of the incident occurring.
3. Upon receipt of an Incident Report, the President or designate shall confirm that the incident being reported does fall into the major infraction category. If the incident is, in the opinion of the President or

designate, a minor infraction, it shall be referred to the athlete's coach and Head Coach within 3 days for processing. The decision of the President or designate in this regard is final.

4. If the incident is to be dealt with as a major infraction, the President or designate shall appoint a Disciplinary Committee and all documentation will be turned over to the Chair within 3 days.

5. On occasion, a major infraction may not come to light until after the reporting period has expired. In that case, the Incident Report must state why the reporting deadline was not met. The President and the Chair of the Disciplinary Committee must both agree that the reporting period deadline will be waived before the late Report will be accepted for processing. The reasons for accepting the late report must be documented and shall form part of the incident file.

6. Within 3 days of receiving the Incident Report, the alleged offender shall be notified by the Chair of the Disciplinary Committee that a major infraction Incident Report has been received. The Chair shall provide a copy of the Incident Report to the alleged offender along with a copy of the disciplinary policies and procedures.

Information Gathering and Pre-Hearing Procedures

1. The chair of the Disciplinary Committee may request that the individual who submitted the Incident Report provide additional written information or indicate the names of other Club members who may be approached for information.

2. Copies of the Incident Reports and all other written submissions will be copied to the selected Committee members as soon as possible after receipt, and before the Hearing.

3. The Chair of the Disciplinary Committee will provide a copy any additional information to the alleged offender as soon as possible, and before the Hearing.

4. The Chair of the Disciplinary Committee and the alleged offender shall mutually decide whether the hearing will be held by way of written submission or oral presentation.

5. The Disciplinary Committee shall hold the Hearing as soon as possible, but not more than 21 days after the incident report is first received by the President or designate. The alleged offender shall be given 7 days written notice of the Hearing. If the alleged offender chooses not to participate in the Hearing, the Hearing shall proceed in any event.

6. Where a competition is imminent, the Committee shall endeavor to hold the hearing prior to the competition.

7. The Complainant shall be invited to speak at the Hearing and be given 7 days written notice of the Hearing.

8. The Disciplinary Committee Chair has the authority to extend the committee timelines if an available committee cannot be struck or if the alleged offender is unable to make the proposed Hearings dates.

Hearing Procedures

1. Hearings may be held in person, by teleconference, by VOIP, or through written submissions. All committee members must be available for all presentations, discussions and deliberations. All committee members must be able to hear each other and all presenters for the duration of the Hearing.
2. The alleged offender may be accompanied to the Hearing by a representative.
3. Any minors invited to attend the Hearing, in support of the Incident Report, or as the alleged offender or supporter of the alleged offender, must be accompanied by their parent / guardian.
4. The Hearing is held in private, and all participants will be asked to keep matters confidential other than the announcement of any action taken.
5. The Disciplinary Committee shall follow the outline below to govern the Hearing:
 - a. The Chair will open the Hearing with introductions, general remarks and a confirmation of procedures
 - b. The Incident Report and any additional documentation is formally received by the Committee.
 - c. If in attendance, the individual (Complainant) who has filed the Incident Report is invited to speak to their Report and answer questions from the committee
 - d. The alleged offender (Respondent) is invited to speak to the Incident Report and answer questions from the committee.
 - e. The Complainant and Respondent and their representatives leave the proceedings.
 - f. The Disciplinary Committee holds their deliberations and makes their decisions based on the information available to them.
 - g. The Disciplinary Committee makes a decision by majority vote to uphold the allegation of a Major Infraction, or to not support the Major Infraction allegation.
 - h. If the Committee does agree that a Major Infraction has taken place, the Committee shall also determine the appropriate disciplinary action based on the Club's Disciplinary Policy.
6. The Committee Chair will notify the alleged offender in writing of the decision of the committee within 24 hours of the Hearing, with a copy of the notification to the President. Reasons for the decision and the choice of disciplinary action (if any) must be included in the report.
7. Unless the Disciplinary Committee decides otherwise, any disciplinary actions shall commence immediately.
8. In applying disciplinary actions, the Disciplinary Committee will have regard for the following aggravating or mitigating circumstances:
 - a. the nature and severity of the offence
 - b. whether the incident is a first Major Infraction or if there is a history of infractions
 - c. the individual's acknowledgment of responsibility and extent of remorse
 - d. the age, maturity or experience of the individual
 - e. the extent to which other individuals or the reputation of the Club has been harmed

Waiving the Right of a Hearing

If the alleged offender acknowledges the facts of the Incident Report, he or she may waive their opportunity to attend the Hearing, in which case the Disciplinary Committee shall determine the appropriate action based on the Incident Report and other documentation that has been made available

to them and the alleged offender.

Other Considerations

If the Disciplinary Committee determines that the allegations of a Major Infraction are false, retaliatory or frivolous, they may apply disciplinary action against the individual who submitted the Incident Report.