



Process and Procedures for Dealing with Infractions

Confidentiality and Neutrality

The Scarborough Scarborough Shadow Water Polo Club (SSWPC) recognizes the sensitive and serious nature of Code of Conduct violations, both in terms of reporting a complaint and being accused. We are committed to maintaining strict confidentiality regarding all matters related to complaints. However, if mandated by law, the Club will comply with the necessary disclosure requirements.

Maintaining complete neutrality is crucial for individuals handling complaints. Just as the complainant has the right to voice their concerns, the accused has the right to be informed of the complaint and provide a response. Recognizing that there are two sides to every story, the first step in assessing the merits of a complaint is gathering all relevant facts.

Types of Infractions

1. Minor Infractions are single incidents of breaching the expected standards of conduct that generally do not result in lasting harm to others. Examples of minor infractions include but are not limited to:

- A. Single incidences of disrespectful comments or behavior directed towards others;
- B. Single incidences of unsportsmanlike conduct;
- C. Being late for or absent from Scarborough Scarborough Shadow Water Polo events and activities at which attendance is expected or required;
- D. Single incidences of non-compliance with the policies and rules of Scarborough Shadow Water Polo.

All disciplinary situations involving minor infractions will be dealt with by the appropriate person having authority over the Member involved: this person may include, but is not restricted to, a coach, team manager, official, board member or senior staff/ contract member.

2. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons, to Scarborough Shadow Water Polo Club or to the sport of water polo. Examples of major infractions include, but are not limited to:

- A. Repeated minor infractions;
- B. Activities or behaviors that interfere with a competition or with any athlete's preparation for a competition;
- C. Pranks, jokes or other activities that endanger the safety of others;
- D. Deliberate disregard for the policies and rules of Scarborough Shadow Water Polo;
- E. Conduct that intentionally damages the image, credibility or reputation of Scarborough Shadow Water Polo, including entering into a conflict of interest;



- F. Behaviour that constitutes bullying, harassment, sexual harassment or sexual misconduct;
- G. Abusive use of alcohol, any use of alcohol by minors, use of illicit drugs and/ or narcotics, or use of banned performance enhancing drugs or methods.

Major infractions will be reviewed and decided using the disciplinary procedures set out in this policy.

Reporting of Complaint/ Disclosure

Anyone who, during Scarborough Shadow business, activities, or events, has reasonable grounds to believe that an infraction has occurred should promptly report (and preferably document) the incident. In the case of minor infractions, reports should be made to a supervisory person, while suspected major infractions should be reported to a member of the Scarborough Shadow Board. Anonymous complaints will be received, and discreet investigations will be conducted. However, it is crucial to obtain supporting written documentation to determine the appropriate course of action. Upon receipt of a complaint, the President or designated representative will assess its validity within ten (10) days. If necessary, they will initiate the formation of a Disciplinary Panel. In cases where the alleged offense poses a potential threat to the safety of the complainant or others, the accused may be temporarily suspended from activities and duties pending an investigation. Proper communication with the accused regarding their rights during the process is essential.

The Panel and Procedures

The ad-hoc Disciplinary Panel, chaired by the President or their designate, will consist of two additional individuals appointed by the President or Vice-President, free from any conflict of interest. The panel will make decisions based on majority voting and will respect the confidentiality of the proceedings. The complainant and the respondent will receive written notice of the hearing, whether conducted in person or by telephone, and the respondent will have reasonable opportunities to present evidence and arguments. The hearing will be conducted in private.

Investigation and Intervention Process

During the investigation and intervention process, the Disciplinary Panel will carefully consider the following:

- A. A summary of the complaint and all relevant facts surrounding the incident.
- B. Determination of whether the alleged acts constitute a violation of the Code of Conduct.
- C. If applicable, disciplinary action against the respondent will be determined, taking into account factors such as:
 - a) Evidence presented during the proceedings.
 - b) Nature of the action and whether it involved physical contact.



- c) Isolated incident versus part of an ongoing pattern.
- d) Relationship dynamics between the complainant and respondent.
- e) Age of both the accused and any victims involved.
- f) Past history of the respondent.
- g) Whether the respondent retaliated or initiated the action.

Consideration of disciplinary precedents established by Scarborough Shadow Water Polo to address any harm or loss suffered by the complainant, appropriate measures will be considered, including but not limited to:

- A. Verbal or written apology;
- B. Letter of reprimand;
- C. Service or other voluntary contribution to Scarborough Shadow Water Polo;
- D. Removal of certain privileges of membership.

- E. Demotion;
- F. Placement on probation for a determinate amount of time;
- G. Temporary suspension from one or more practices, activities, or competitions;
- H. A requirement that a parent be in attendance at practices or tournaments;
- I. Termination of position and/ or participation;
- J. Expulsion from membership;
- K. Any combination of the above.

It should be noted that the listed penalties serve as representative examples, and they may be modified to suit the circumstances of each infraction. The penalties are presented in general order of severity. Unless the panel decides otherwise, disciplinary sanctions will take effect immediately.

In situations where a tournament away from home is involved, the head chaperone and coach, in consultation with the Scarborough Shadow President, may take temporary action, such as sending a disruptive player home immediately. Parents will be promptly notified and will assume responsibility for associated travel expenses. An example of such a situation could be the use of alcohol or illegal drugs by a minor. After the tournament, the case will be referred to the Disciplinary Panel for further discussion and decisions.

Appeal Procedures

The Appeals Committee is responsible for reviewing and rendering decisions on appeals submitted by Club members in response to decisions made by the Panel. The Appeals Committee will consider an appeal under one or more of the following conditions:

- A. Presentation of new, relevant evidence that was not available during the original Panel's decision-making process.
- B. Identification of irregularities in the procedures followed during the original hearing, which may have resulted in an unjust decision.
- C. Belief that the decision of the original hearing was excessively severe.



The Appeals Committee will consist of the appellant or their designated representative (such as a parent), a member of the original Panel, and two other individuals from the Scarborough Shadow Board of Directors who were not part of the original Panel and have no conflicts of interest.

Effect of Suspension or Expulsion

A person who has been expelled from the Club may apply to the Board for reinstatement. Upon receipt of an application for reinstatement, the Board will review the application according to the bylaws. If the Board deems the application discloses information that may justify reinstatement, it will take appropriate steps to reinstate the person, potentially with specific terms and conditions. Alternatively, the Board may choose to refuse reinstatement after careful consideration.