

# Maxwell Swim Club Ltd.

## Club Disciplinary Procedure

Breaches of the ASA Code of Conduct and Ethics, the Maxwell Swim Club Code of Conduct (Swimmers) and other Maxwell Swim Club policy documents will be dealt with in accordance with the procedures set out in this document. Disciplinary procedures are only applicable to breaches of Club rules by members of Maxwell. The Club does not have the powers to consider complaints against non-members, members of other swimming clubs, or address offences under ASA Law.

### **Objective:**

Maxwell is committed to enforcing its Code of Conduct and policies (including training squad contracts and letters of intent) relating to its members and their parents/carers. This policy is set out to guide the Management Committee and inform members of Maxwell and their parents/guardians of the discipline process. It provides guidelines for disciplining members of Maxwell who contravene the Code of Conduct and their obligations as set out in the club's policies. The primary objective is to encourage members to comply with the Code of Conduct and fulfil their obligations as set out in the club's policies.

### **General Principles:**

Maxwell disciplinary procedures are based on the following principles:

- The disciplinary rules and procedures are designed to be non-discriminatory and are to be applied irrespective of sex, racial group, sexual orientation, disability, religion, age, or any other bias.
- All matters will be dealt with in accordance with the Club Constitution.
- It is expected that most matters will be dealt with on poolside or at the point of incidence informally at the time of the event.
- Any behaviour that is considered to be unacceptable by coaching staff or team managers may lead to a 'behaviour contract' being issued.
- All matters relating to disciplinary action will be handled as speedily as possible.
- A person wishing to make a complaint about inappropriate conduct should normally do so within 30 days of the incident.
- Persistent or serious breaches of conduct will be reported to the Club Chairman and Welfare Officers – preferably in writing.
- No member will be dismissed or suspended from the Club for a first breach of conduct except in the case of serious or gross misconduct.
- Club members will have a right of appeal against any formal disciplinary decision.

## Procedure:

Each stage of the disciplinary procedure will be overseen by the Maxwell Management Committee and where appropriate, noted in its minutes so that an accurate record of events and decisions is maintained.

On receipt of a complaint the Maxwell Chairman will decide what action to take. If the Chairman decides the matter should be handled formally and a disciplinary investigation is necessary, the Chairman will either investigate the incident or refer it to the Disciplinary Sub-Committee (DSC) to investigate.

Serious incidents may be reported to the Chairman, Head Coach or Club Welfare Officer on the correct form (Incident Log Sheet) and the parents of the swimmer/s involved will be informed that the incident has been reported to the Club Welfare Officer for inclusion in the Incident Record Log.

When an injury has occurred, this must be recorded on an accident/near miss report form and forwarded to the Club Welfare Officer without delay for inclusion in the Incident Record Log. The Head Coach or his/her deputy must inform the parents/guardians of the swimmer/s as soon as possible. All reports are private and confidential and will only be disclosed to the ASA Welfare Officer (as required) and those entitled to see them under law.

## Coaching Issues:

In the first instance of a swimmer failing to uphold reasonable and respectable behaviour or the required standards during training sessions or competitions, or where a swimmer is in obvious breach of the swimmer training squad contract or Club Code of Conduct, the following procedures should be enacted.

Firstly, the Coach in charge of the session/group/squad where the incident or behaviour occurred will endeavour to deal with the situation at the time through informal intervention, interaction and discussion with the swimmer, also notifying parents where considered to be appropriate.

This situation is defined as **Stage 0** of the disciplinary procedure and may also result in the swimmer being excluded from the session where the inappropriate behaviour takes place, and/or invited to a performance review meeting with their parent/guardian, the Squad Coach and/or the Head Coach.

If the swimmer continues to fail to meet the expectations of the squad, they will immediately be placed on **Stage 1** of the disciplinary procedure.

## Summary Outcome:

- The Squad Coach attempts immediate informal intervention/interaction/discussion to try and resolve the problem or substandard performance.
- The swimmer may be excluded from the session concerned or subsequently invited to a Performance/Behaviour Review Meeting with parent/guardian, the Squad Coach and/or the Head Coach.
- For a second breach, or short-term repeated breaches of agreed behaviour/standards, a verbal warning will be issued by the Squad Coach (**Stage 1** of the disciplinary procedure). This will be followed up in writing with a report to the Head Coach, Chairman and at least one Welfare Officer.
- The swimmer may be relocated to a training group that is deemed more suitable by the Head Coach.
- **Stage 2** of the core disciplinary procedure will be considered.

## Four Stages of Disciplinary Action

### **Stage 0 – Normal Coaching Intervention/Interaction:**

It is anticipated that most coaching, training and behavioural issues can be appropriately, effectively and quickly dealt with through normal and informal intervention, interaction and discussion by the Squad Coach with those parties responsible.

This will always be the first action taken by the Squad Coach and whilst it does not require observation or verification by any other persons, the respective Coach may inform or consult with the relevant parents/guardians if considered appropriate for the situation or behaviour that has taken place.

Squad Coaches have the authority to exclude a swimmer from the session where the incident takes place, and to invite the swimmer to a ‘Performance Review’ meeting with themselves, the Head Coach and the parent/guardian should they deem it necessary.

Coaches may use their discretion and judgment to initiate and repeat Stage 0 on any number of occasions prior to moving to Stage 1, which should always be a final resort once it is clear that normal coaching interventions or interactions are not resolving the matter.

### **Stage 1 – First Written Warning Issued:**

Where a swimmer’s conduct does not meet acceptable standards or he/she commits a minor offence or incident, the Squad Coach, at his/her discretion, will inform the Head Coach and Chairman of the issues. Following this, a meeting will be called to issue a first written warning to the swimmer, of which a record will be kept. The swimmer’s age, previous disciplinary record and the seriousness of the incident will be taken into account. If the member is under 18, the Squad Coach will make reasonable efforts to meet with the respective parent/guardian at the same time.

The Head Coach / Chairman will notify the Welfare Officer of the first written warning (normally within 24 hours), and will also duly inform the member, or parent/guardian if under 18, in writing of:

- The reason for the warning, the improvement required and the date when the warning expires. This may include the issuing of a Swimmer Behaviour Contract.
- That such action is taken under the Stage 1 of the disciplinary procedure.
- That action under Stage 2 of the disciplinary procedure will be considered if there is no satisfactory improvement before the expiration of the verbal warning period or if further acts of misconduct occur.
- His/her rights of appeal as laid out by the ASA in the current ASA laws.

**Summary Outcome:**

- First written warning, of which a written record will be kept.
- The member, or parent/guardian if under 18 years of age, will be informed in writing and a Swimmer Behaviour Contract may be issued.
- Stage 2 of the disciplinary procedure will be considered.

**Stage 2 – Final Written Warning Issued:**

In the case of more serious incidents, or if a further offence occurs (whether of a similar or different nature) a final written warning will be issued to the member and parent/guardian by the Head Coach or the Chair of the club.

This will give reasons for the warning, the improvement required and the date when the warning expires – it will warn that action under Stage 3 of the disciplinary procedure will be considered if there is no satisfactory improvement or further acts of misconduct occur and will advise of his/her rights of appeal. Similar to Stage 1, the final written warning may be accompanied by issuing the member with a Behaviour Contract to abide by.

**Summary Outcome:**

- A written warning will be issued to the member and parent/guardian.
- A swimmer Behaviour Contract may be issued.
- Stage 3 of the disciplinary procedure will be considered.

**Stage 3 – Suspension or Termination of Membership:**

If conduct is still unsatisfactory and the member still fails to reach the prescribed standards despite receiving a written warning, or if the member has committed an act of serious or gross misconduct, suspension and/or termination of a swimmer's membership by Maxwell Swim Club may occur. Suspension or termination of membership may also result from a serious breach of any of the ASA or Maxwell's codes or policies.

Only the Management Committee of Maxwell Swim Club can make a decision to terminate a swimmer's membership. However, the Head Coach has full authority over the population of training squads and if Stage 3 has been reached, he/she may withdraw access to any or all squad(s) training sessions for the swimmer concerned. Termination of membership may also result from a serious breach of any of the ASA or Maxwell's codes or policies.

Before termination of a swimmer's membership is made by Maxwell Swim Club for any of the above reasons, a full investigation and exit interview will be carried out. Self-termination of membership (resignation) can be requested at any time by formal letter to the Secretary of Maxwell Swim Club. All subscriptions and fees due must be paid when membership is terminated. Members leaving without payment of outstanding fees will be reported to the ASA. Any appeal against termination of membership must be submitted to the Secretary within 14 days by formal letter.

**Investigation:**

Serious misconduct will be subject to investigation. The purpose of an investigation is to establish the facts of a case and to record them. The level of investigation into a complaint or incident must be decided by either the Club Chairman or the Chair of the Disciplinary Sub- Committee (DSC), and must be based on a judgment of its nature, seriousness and how much is known about the circumstances of the misconduct.

It is important to remember that it is the purpose of any subsequent disciplinary hearing to make a judgment on the facts presented. So, the investigation must focus on relevant facts. In the event that the investigation reveals further incidents, these may be subject to investigation by the DSC.

**Timing:**

Investigations that may lead to disciplinary action must take place as soon as reasonably possible after any misconduct is alleged. Investigations should be conducted as early as possible and within 28-days of a complaint being received unless there are justifiable reasons for extending the time frame (e.g., personal or family holidays). Any extension to the time limit must be fully documented by the DSC and agreed in writing by the Chairman. The DSC must inform the member or parent/guardian of the member under investigation in writing of the extension and the reason for it.

Members of Maxwell Swim Club who do not respond, without good reason, to a statement of alleged misconduct and/or do not attend a disciplinary hearing must be made aware that they may have their case decided in their absence.

**Possible outcomes following a disciplinary hearing:**

- No action
- First written warning. This will remain in place for an agreed period of time with conditions attached.
- Behaviour contract.

- Final written warning.
- Temporary suspension.
- Permanent termination of membership.
- Matter referred to Police/ASA.

**Recording:**

The member will be notified in writing of the details of any disciplinary outcome and the reasons for the outcome using the '*outcome of disciplinary hearing*' letter. This will be sent to the member/parent/carer within 10 days of the conclusion of the disciplinary hearing unless there are good reasons for an extension to the time frame.

**Following a Disciplinary Hearing:**

Disciplinary outcomes will remain in force for an agreed period of time except in the case of permanent termination of membership.

**Termination of Membership:**

This outcome will only be used in cases where either a continued pattern of misconduct or an individual act has meant termination of membership is the only option.

**Right of Appeal:**

First right of appeal is to the Club Chairman. The appeal must be received within 14 days unless there is good reason to extend the time frame.

The Club Chairman will organise an independent assessment of the case and report within 28 days unless there is good reason to extend the time frame.

A final right of appeal is possible under the ASA Judicial Laws.

The Executive Committee of Maxwell will review this procedure at regular intervals to ensure that it is effective and is achieving its stated objectives.

**ASA Law:**

As an affiliated Club, ASA law has overriding effect.