

# 10 Questions from Clubs Regarding the New Swim Ontario Complaint and Discipline Procedure

## Questions

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## Questions with Answers

### 1. What is Swim Ontario's time line for responding to and resolving complaints?

The DRO endeavours to acknowledge complaints as soon as reasonably possible.

The timeline for resolving a complaint is dependent on both the complexity of the complaint, the supporting evidence and witness statements, if any.

If Swim Ontario determines that an investigation is needed/warranted the timeline to a resolution is extended.

The DRO and has a mandate to address complaints in the most efficient manner practical, according to our procedure, while maintaining a fair and independent process.

## **2. What is meant by immediate, informal, (small) corrective action?**

Under section 2 of the [Swim Ontario Complaint, Discipline and Appeal Procedure](#) People in authority (a few examples of this are coaches and team managers, etc.) can take action in the moment to defuse a situation. A few examples of this type of action might be:

- asking a swimmer to leave practice/event
- sending a swimmer home from a trip
- asking an official/coach to take the rest of the session/meet off.

## **3. How should clubs manage problematic conduct during the complaint process?**

As stated above, if the situation warrants, under section 2 a club can also temporarily mandate a swimmer as not eligible to attend practice/events during the time Swim Ontario is addressing jurisdiction and acceptance of a complaint.

During the complaint process, Swim Ontario has the jurisdiction and ability to issue a temporary suspension to any registrant or member club where their actions deem it necessary as found in section 3.3 [Swim Ontario Complaint, Discipline and Appeal Procedure](#)

If there are ongoing issues with individuals involved in a complaint process, contact Swim Ontario.

## **4. Can clubs issue discipline orders?**

Based on the new procedure, Clubs do not have the authority to order a finding of discipline, unless it's a simple apology in an informal meeting,

Clubs should not take on any alleged code of conduct complaints/issues unless they can clearly foresee that the situation to address the complaint is simple AND in the moment in an informal manner.

For example, "simple issues" are ones where the coaches and Club both feel that a meeting with parties and a simple apology will resolve the issue.

All parties in the issue (complaint) must agree to this solution

## **5. Is there a “seriousness threshold” for sending complaints to Swim Ontario?**

All complaints alleging Code of Conduct breaches should be sent to Swim Ontario. If you're not sure error on the side of caution and send it in

If you think you can solve it...quickly... then

Work backwards from the end point. What is a reasonable and appropriate result for the actions in question.

Any complaint that cannot be solved with a simple apology/handshake or any immediate measure described in question 2 it needs to be sent to Swim Ontario

[Code Of Conduct And Ethics For All Participants including Parents/Guardians Procedure](#)

## **6. How should a club proceed if someone refuses to submit a complaint to Swim Ontario?**

If the victim/victim's family does not want to submit a complaint, the club can become the complainant – submit a complaint along with any evidence to Swim Ontario, via the Complaints Portal.

As stated in Swim Ontario's complaint and discipline procedure clubs no longer have the authority, or jurisdiction, to run a complaint procedure and issue formal discipline decisions.

As defined on the form in the Complaints portal, the request for Complainant to remain anonymous are only accepted by the DRO at their sole discretion based on rationale provided by the complainant.

## **7. Who can submit a complaint to Swim Ontario?**

The short answer is ANYONE!

Meaning, someone either directly witnessed a code of conduct breach, or they have specific evidence like emails, texts, social media posts, pictures, etc. indicating a possible code breach.

A Parent can (should) file a complaint on behalf of their child(ren).

You don't have to be a victim to file a complaint. Anyone with direct knowledge and/or evidence, can submit a complaint to Swim Ontario.

Once you decide to submit a complaint, Every complaint must contain the word "complaint" and must also name the person committing the alleged code breach.

The link to the Complaint Portal is below.

<https://wkf.ms/4dhGGaX>

## **8. What is the difference between Anonymous and Confidential?**

Anonymous and confidential are not the same.

Anonymous = the identity of the complainant is being withheld from the respondent.

As defined on the form in the Complaints Portal, requests for Complainant to remain anonymous are only accepted by the DRO, at their sole discretion, based on specific rationale provided by the complainant at the time of submitting the complaint.

Confidential (confidentiality) = is defined in Section 5 of the details of the [Swim Ontario Complaint, Discipline and Appeal Procedure](#) meaning the parties of the complaint cannot share details of the complaint process, with anyone not directly involved in the complaint.

Based on the rules of Procedural Fairness, all details of the complaint, updates, decisions, etc. must be shared with all parties involved in the complaint process.

This changes somewhat if the complainant has been granted anonymity by the DRO. If this is the case, the DRO will provide specific guidance to the complainant.

## **9. What is meant by the term investigation?**

People often use the term "investigation" when referring to the general complaint procedure.

To be clear, the term investigation is a very specific to one part of the process, it has very specific definition.

As required, the Dispute Resolution Officer may order an Investigation, particularly when facts, or actions of parties to the complaint are in dispute.

An investigation is a process where an Independent (unbiased) person skilled in investigating techniques, conducts a process to clarify the “picture of the alleged incident(s)” which led to the complaint.

Not all complaint processes will require or will have an investigation component to them.

## **10. Do clubs still need to have a DRO or Discipline Committee?**

As stated in our procedure, Swim Ontario will only address formal complaints alleging Code of Conduct violations.

Clubs still need a mechanism for resolving disputes that are not related to the Code of Conduct. A few examples would be:

- Club financial issues (fees, refunds, etc.)
- Volunteer points issues
- Group moves etc.