



Disciplinary Code and Procedures for Seagulls Swimming Club

As originally adopted by the Seagulls Swimming Club Committee on 26th March 2009.

Seagulls Swimming Club (the "Club") is established to promote the sport of swimming and in the process help to both develop the character of and enable the individual Swimmers to reach their true potential.

For the orderly operation of Seagulls Swimming Club, certain rules and regulations and procedures (Code of Conduct, Bullying Policy & Equity Policy) for enforcing same must be established.

It is the expressed intention of Seagulls Swimming Club to set forth procedures that will aid in identifying behaviour the Club finds undesirable and define a process for addressing an alleged occurrence. Therefore, the following shall be the Disciplinary Code & Procedures:

This Disciplinary Code shall apply to all behaviour occurring (generally identified, but not limited to that which is clarified in the Clubs Code of Conduct, Bullying & Equity Policies), during an activity or function that is associated with Seagulls Swimming Club including but not limited to: swim training; land training; swim meets; Open Meets; team trips; team outings, or individual group outings and also addresses objectionable behaviour by Members of Seagulls Swimming Club occurring outside of Club activities.

Definitions

Member – Shall mean the swimmer, water polo player, Coach, or any other fee paying member of Seagulls Swimming Club, or any parent/guardian thereof regardless of their membership status, who is the subject of the disciplinary action.

Officers – Shall mean the Chairman, Secretary and Treasurer or persons as otherwise nominated from the Clubs standing Committee.

Swimmer – Shall mean any active member of the Club e.g a swimmer or water polo player.

Misconduct – Shall generally deal with the misdemeanours of the Clubs Swimmers and covers behaviour that is somewhat disruptive; does not portray Seagulls Swimming Club in a good light; and other actions that are not in compliance with good behaviour as a member of a team or society in general.

Serious Misconduct – Shall deal with behaviour that is considered disruptive; having a detrimental effect on one's self, other Members of the team/Club, or the general public; causes significant damage to the reputation of the Club and/or the Coaches; leading to the possible injury of self or other persons.

Gross Misconduct – Shall deal with the behaviour that is considered very severe and disruptive, possibly life threatening and/or in direct violation of any laws. These are actions that are so detrimental that it is not desirable to have such a person associated with the team/Club.

Disciplinary Panel – Shall mean a panel consisting of three (3) persons, one to act as Chairman. A Secretary may also be needed. The panel will need to consist of people not involved in the dispute. The Club Committee, at its own discretion, may ask individuals from outside the Club to sit on the panel.

Disciplinary Hearing – Shall mean a hearing called by the Club Chairman to consider any allegation as set out under the Disciplinary Code. The Member may attend the hearing together with any other person of the Member's choice to act as a witness. The hearing shall take place with the Disciplinary Panel.

Appeal – Any Member subject to the Disciplinary Code may appeal against the Disciplinary Panels decision. Such appeals must be received by the Chairman, in writing within seven (7) days of the date of the final disciplinary decision.

Appeal Hearing – a hearing set up by the Club Chairman at the request of a Member. Wherever possible, the hearing shall be held within seven (7) days of the appeal request and the matter shall be determined by the Chairman together with two (2) other personnel from the Club Committee as requested by the Member.

DJT – Shall mean the District Judicial Tribunal of the Amateur Swimming Association (ASA).

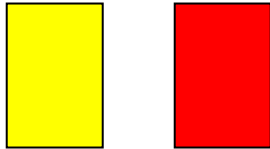
Disciplinary Procedure

Misconduct:

Unacceptable behaviour at Seagull Swimming Club training, competitions and team functions that include, but are not limited to: minor vandalism; being disruptive in training or meets; abusive language or behaviour; insubordination to members of the coaching staff, helpers, chaperones, or others; littering; failure to follow training sets or Coaching instructions correctly and other acts of misconduct as determined by the Coaching staff.

Disciplinary Steps:

- General discipline will be maintained via a red and yellow card system similar to that used in football and rugby.



- Generally handled by the Coaching staff via the award of yellow and red cards, but can also be delivered by a Committee member, or any poolside assistant (who has been given the appropriate authority by the Coach).
- Parents will be involved if the anticipated disciplinary action will result in a suspension.

Potential Outcomes:

- 1) In any one (1) session (including but not limited to training, events, meets and travel):
 - In the first instance of Misconduct a Swimmer will be given a verbal warning.
 - In the second instance of Misconduct the Swimmer will receive a yellow card and be excluded ("sin binned") from the session for a ten (10) minute period.
 - If a Swimmer is warned a third time regarding their conduct during any one (1) session, the Swimmer will receive a red card and will be immediately removed from the session.
 - The Swimmer will be told to get changed and return to poolside (or an appropriate point) where they will wait until the end of the session.
- 2) Each yellow card will be recorded. Once three (3) yellow cards are received within any two (2) week period the Swimmer will be required to attend a meeting with the Club and will be given a verbal warning in accordance with the Disciplinary Code. As a result of receiving three (3) yellow cards and a verbal warning, the Swimmer will be placed on trial terms and their parent (or nominated guardian) will be expected to observe every session the Swimmer attends for a period of five (5) sessions. If the Swimmer receives a further three (3) yellow cards within a period of four (4) weeks from the date of the verbal warning, this will result in a red card being awarded and be classed as Serious Misconduct under the Seagulls Disciplinary Code.
- 3) The Swimmer can also be awarded a straight red card for any examples of Gross or Serious Misconduct. These will then be handled under the Seagulls Disciplinary Code.
- 4) Repeated evidence of Misconduct across an extended period may result in the Swimmer being considered as a case for application of Serious Misconduct within Seagulls Disciplinary Code.

Serious Misconduct

Unacceptable behaviour as a Member of Seagulls Swimming Club at team functions, training, events and meets. This behaviour would include, but not be limited to: Failure to obey an instruction from a Coach or their Assistant; possession or use of alcohol, or tobacco; acts of dishonesty; acts that could put any other person (including the offender) at risk; the use of foul and /or abusive language and receiving 6 yellow cards within a six (6) week period.

Disciplinary Steps:

- A Disciplinary Hearing will be organized to take place within fourteen (14) days of the incident or allegation being made.
- The Chairman shall send a notice (date, location and time) of the Disciplinary Hearing to the parent/guardian and/or Member as appropriate together with the names of the Disciplinary Panel members. Both parties will be given copies of all the relevant papers.
- Both parties should be allowed to bring witnesses where appropriate.
- The facts shall be presented by the Disciplinary Panel Chairman or his/her designee.
- The Panels decision will be mailed to the parent/guardian and/or Member within one (1) week of the Disciplinary Panel hearing.
- All timescales referred to above are guideline targets to be achieved wherever possible.

Potential Outcomes:

- 1) Verbal/written warning &/or suspension applied as follows:
 - 1st Offence – Suspension from the Club for a minimum period of seven (7) days of the swimming season (these days may extend into the next swimming season, if needed).
 - 2nd Offence – Written warning and suspension from the Club for a minimum period of twenty-one (21) days of the swimming season (these days may extend into the next swimming season, if needed).
 - 3rd Offence – Shall be considered as Gross Misconduct and handled according to the appropriate disciplinary proceedings.
- 2) Dismissal of any allegations and reinstatement of the Member.
- 3) Repeated evidence of Serious Misconduct across an extended period may result in the Member being considered as a case for application of Gross Misconduct within Seagulls Disciplinary Code.

Gross Misconduct

Unacceptable Behaviour, including, but not limited to: Sale or distribution of drugs; criminal conviction; bullying and fighting that results in the severe bodily injury of any person (regardless whether at a Club activity or not); theft, vandalism and flagrant disregard for an instruction of the Coach or their assistant, such as to undermine the authority of the same; possession or use of illegal/banned drugs.

Disciplinary Steps:

- The Member will be immediately suspended and/or removed from all training sessions, competitions and events including Open Meets on a temporary basis.
- Where a Committee member, Coach or Assistant becomes aware of an incident of Gross Misconduct they will as soon as practical notify at least one of the Officers of the Club and then - within three (3) days - prepare and provide a written report of the incident in the strictest confidence to the Club Chairman or Secretary.
- The Club Officers will meet within three (3) days of receiving the report to discuss the issue further. The Officers may either dismiss the allegation and reinstate the member or they may instigate the Clubs Disciplinary Code. In the event of the latter, the Clubs Officers will appoint one of its members to investigate the matter as swiftly as possible and in any event to provide a full report to the Disciplinary Committee within seven (7) days.
- Within three (3) days (of the full report being provided to the Disciplinary Committee) the Chairman or Secretary will send a notice (including details of the date, location, time and names of the Disciplinary Panel members) of forthcoming Disciplinary Hearing to the parent/guardian and/or Member as appropriate.
- The Disciplinary Hearing will take place within seven (7) days of the notice being issued.
- The Member and their representative will be given copies of all the relevant papers.
- Both parties should be allowed to bring witnesses where appropriate.
- The facts shall be presented by the Disciplinary Panel Chairman or his/her designee.
- The Clubs standing Committee shall meet within seven (7) days of the Disciplinary Hearing and receive a full report. The Committee will decide by a majority vote of not less than 2/3rds as to the sanction to be imposed.
- The decision will be mailed to the parent/guardian and/or Member within one (1) week of the Disciplinary Panel hearing, together with details of the right of Appeal.
- All timescales referred to above are guideline targets to be achieved wherever possible.

Potential Outcomes:

Expulsion of the Member; suspension of the Member; exclusion of the Member from team selection; any other formal reprimand of the Member; dismissal of any allegations and reinstatement of the Member.

Notes:

- 1) If these rules shall be invoked in the case of a Member under the age of eighteen (18) years, then in each such case the matter shall be reported to and discussed with the child's parent/guardian at the earliest possible opportunity and in the event that the parent/guardian considers that the matter has been handled inappropriately the parent/guardian shall have the right to refer the matter to the Clubs Officers within seven (7) days, who shall consider the same as an appeal.
- 2) During all investigations into allegations of misconduct, involving questioning or interviewing of any Member, or witness under the age of eighteen (18) years, a parent, or guardian of such Member/witness shall be present.
- 3) No decision to expel a Member shall be deemed passed unless it is supported by 2/3rds majority decision of the Committee members attending the relevant meeting.
- 4) In the interpretation of these rules all Committee members shall:
 - i. Act impartially and with respect for the dignity and privacy of all individuals concerned.
 - ii. Ensure that the punishments are commensurate with the 'crime' and are applied consistently throughout the Club.
- 5) If a Member remains dissatisfied after an Appeal Hearing the Member shall be advised of their right to appeal to the DJT.
- 6) Any examples of misconduct recorded against a Member shall cease to be active after twelve (12) consecutive months without further 'offence'.
- 7) The terms of any suspension shall be spelled out by the Disciplinary Panel and must be adhered to by the Member in order to be reinstated by the Committee at the end of the suspension period. During the periods of suspension the Member shall remain a member of Seagulls Swimming Club and thereby all fees are still due in full. Any Member cannot be reinstated until any fees that are in arrears are paid in full.
- 8) In the event that any fee paying Member is suspended for any period and later has all allegations associated with the misconduct and suspension dismissed, they will be entitled to the reimbursement of their payments associated with:
 - i. Paid Seagulls Swimming Clubs monthly fees equivalent to the period of suspension and;
 - ii. Paid Open Meet and Club Championship entry fees where the event(s) have occurred during the period of suspension.

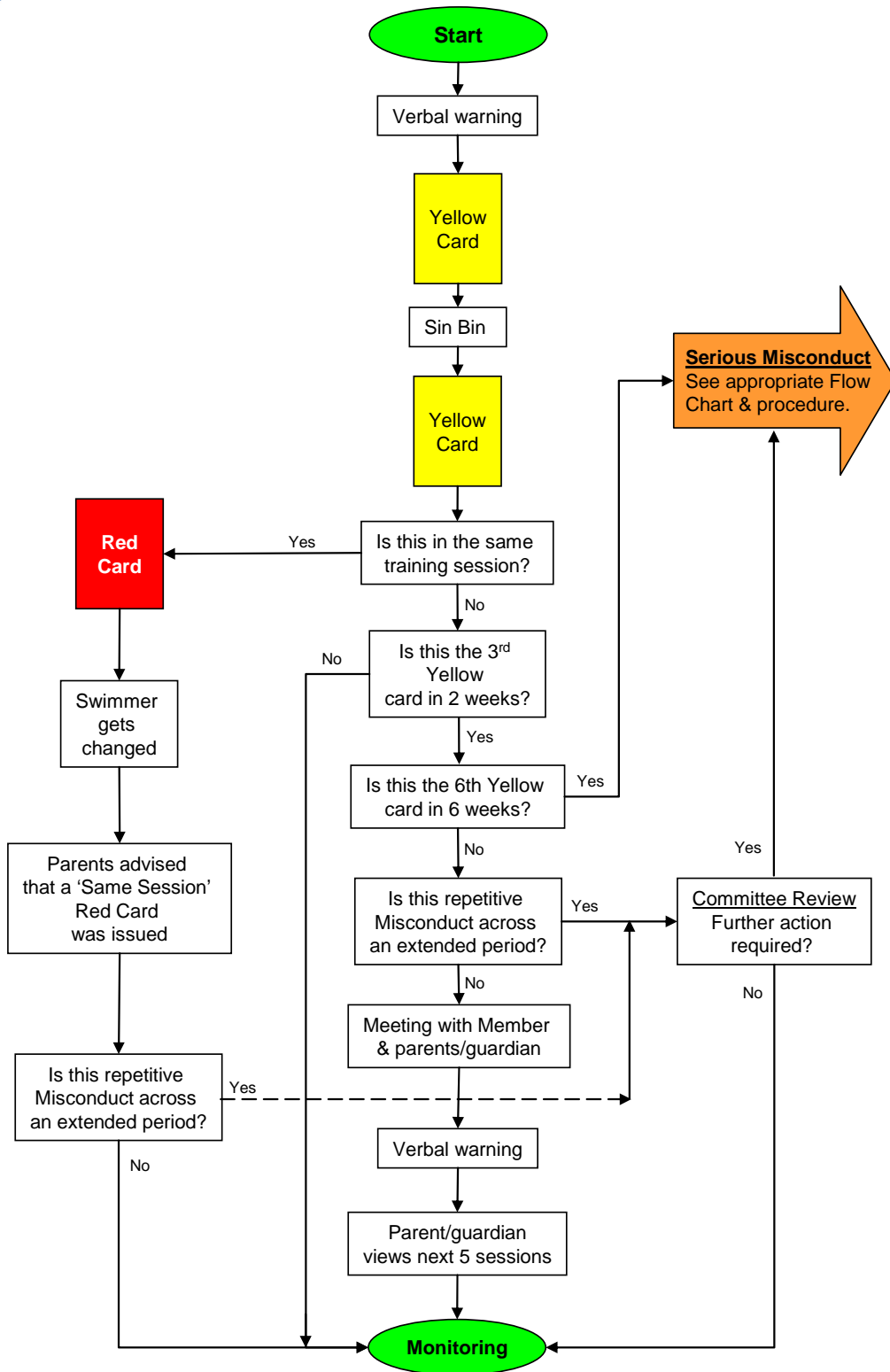
Any such reimbursement will take the form of a credit note to be used against future purchases from the Club. Written evidence of any such payments will be required to support any claim for reimbursement.

Appendices

The following flow charts are a simplified representation of the procedures that are included with the aim of assisting with the understanding of the Disciplinary Code and the process.

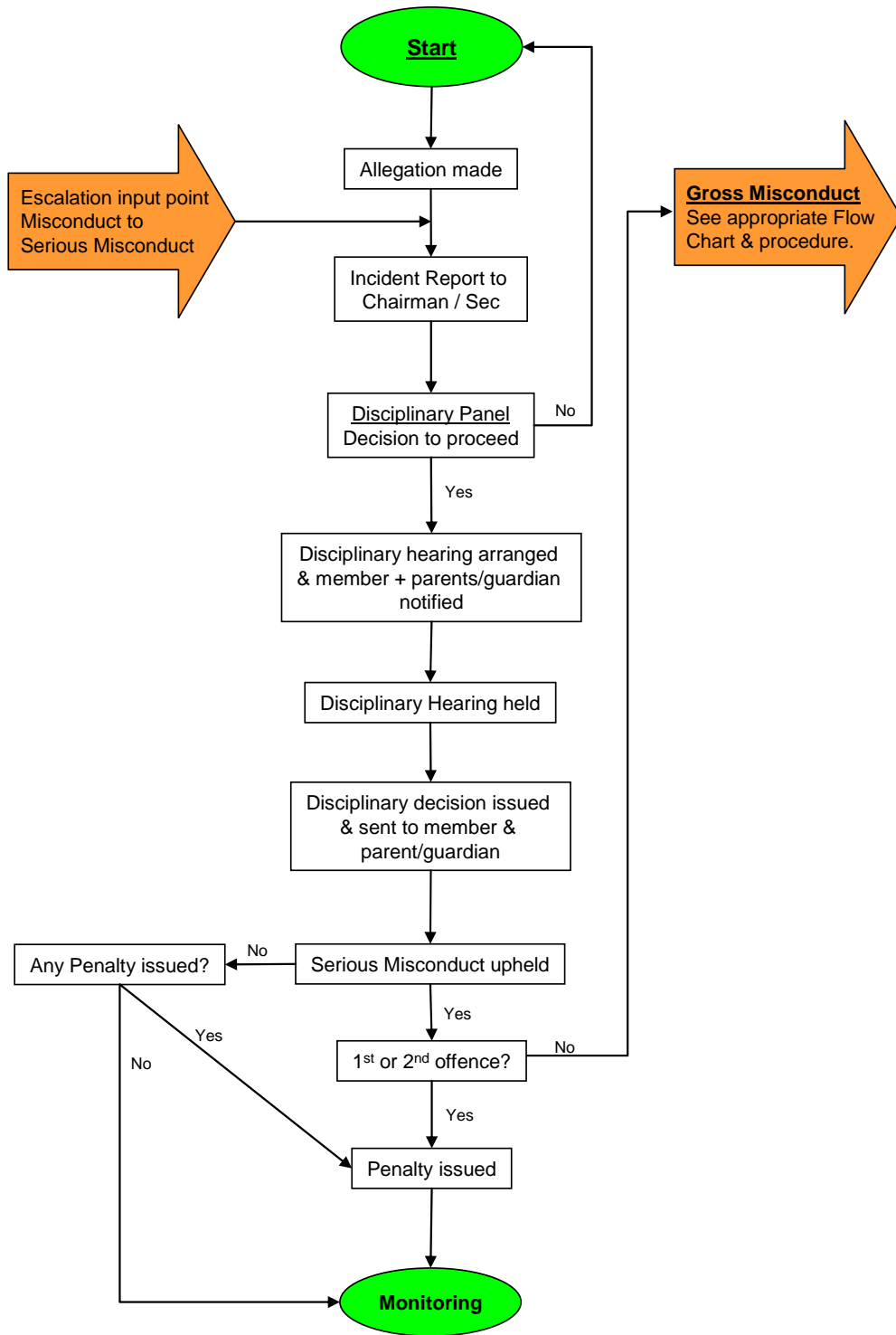


Misconduct



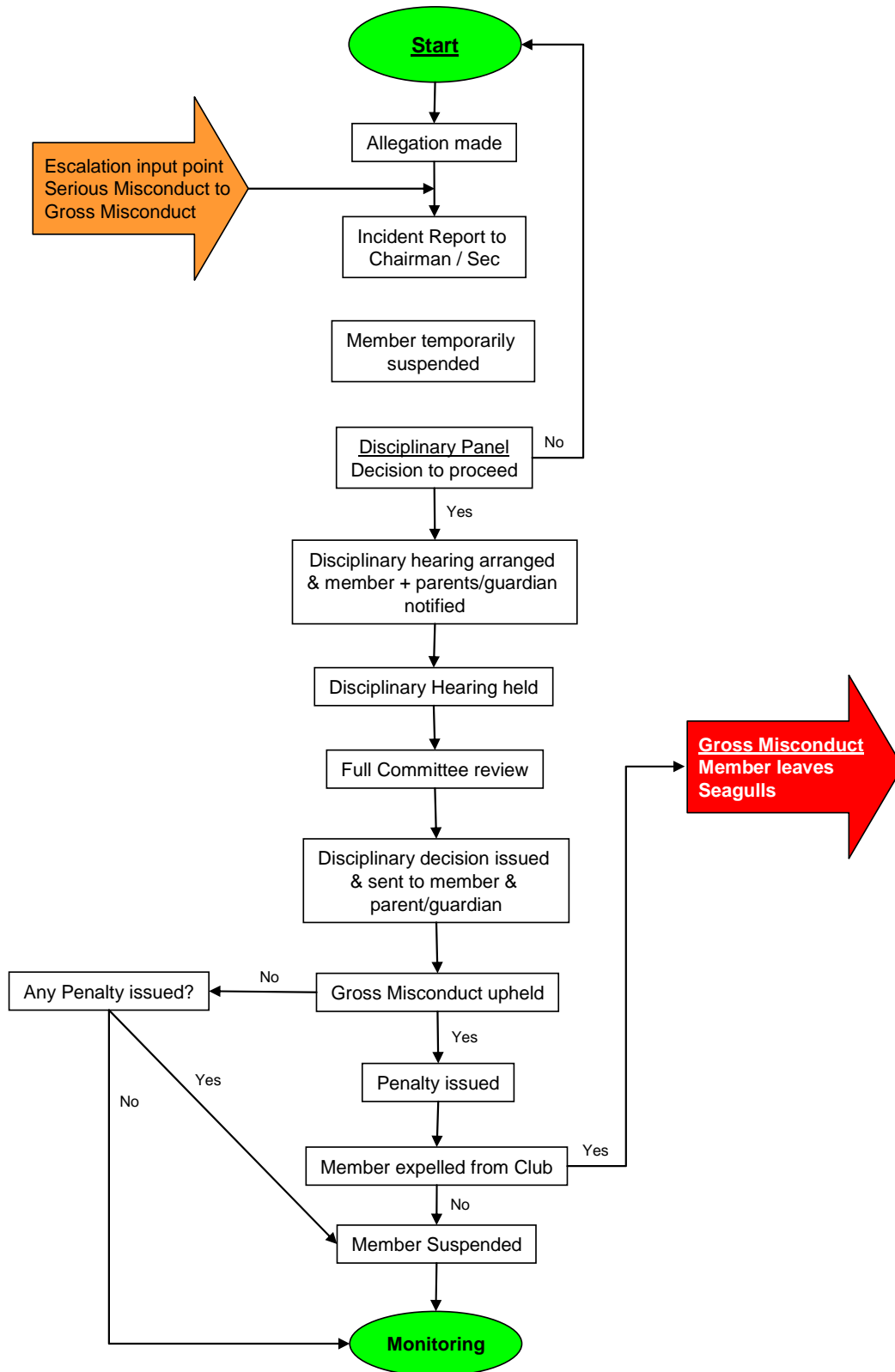


Serious Misconduct





Gross Misconduct





Misconduct

Simplified poolside chart showing the various steps of the Seagulls Disciplinary Code.

