

Derby Phoenix Swimming Club

Affiliated to Derbyshire ASA and ASA Midland District

DISPUTE PROCEDURE

Introduction:

Internal disputes can happen from time to time and need to be handled correctly from the outset. Disputes between Committee members, parents and swimmers can usually be resolved amicably between the individuals concerned. Occasionally it may also be necessary to discipline swimmers for minor incidents of misbehaviour, and this can be done fairly by the Head Coach.

More serious disputes will be resolved using the following procedure.

General Principles:

The Club only has the power to legislate for a breach of its own rules and can only suspend a swimmer or member from its own Club activities. The Club has not the power to handle a dispute relating to a member of another Club, nor deal with an offence against ASA Law. Should either party be dissatisfied with a decision reached in an internal Club dispute, they still have the option to make a formal complaint to the District Judicial Tribunal, ASA Midland District.

The key principle to be followed is that ASA Law conforms to the law of the land in so much that an individual accused of an alleged offence is innocent until proven guilty, and must have reasonable opportunity to present a defence, and have their views heard.

Procedure:

On receipt of the dispute every effort will be made to resolve the matter by informal discussion. In difficult cases the Chairman may appoint an independent arbitrator to assist in achieving a settlement. If this fails, or it is clearly necessary to discipline a member, a panel will be set up to deal with the matter. The panel will consist of three persons who are not involved in the dispute. -One person will act as Chairman, and one as Secretary. The Club may ask individuals from outside the Club to sit on the panel. The Chairman will notify both parties of the date, time and place for the hearing. He will also notify the names of the panel members. Both parties will be given copies of all the relevant papers, and every effort will be made to convene the hearing within 14 days of receipt of the dispute.

If either party is under 18 years of age they will be advised of their right to be accompanied by a parent, or a person having parental responsibility for them, to help present their case. At the hearing both parties will be allowed to bring witnesses. The Complainant -should present their evidence first and the accused should then have the right to reply. Each party will be allowed to question the other's witnesses. Witnesses should wait outside the hearing until called. Upon ~completion the panel will make every effort to announce their decision verbally to all parties without delay. Written confirmation of the panel's decision must reach all parties within five days of the hearing date.

Disciplinary Action:

Any Disciplinary Action the panel applies must not exceed ASA Judicial Laws, and in most instances may take the form of written or verbal warnings.

Appeal:

If either party to the, dispute is dissatisfied with the outcome, they should make a Complaint to the Judicial Administrator, ASA Head Office, Loughborough.