

# Disputes & Discipline

## How they affect your Club

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# Presented by:

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# Setting the Scene

- Dispute

- Dictionary *hold debate, quarrel, controvert, contend, resist, controversy, difference of opinion.*

- *Swim England - Internal Dispute*

*(Reg 150)*

- *Dispute involving an alleged breach of the club's rules, between two or more club members, any or none of which may be an officer of the club*
  - *Excludes*
    - *Breach of ASA Laws or Regulations*
    - *Allegation against paid staff of the club*

# Setting the Scene

- Discipline

- Dictionary *mental or moral training, orderly behaviour, maintained amongst persons under control or command; **chastisement**, train to obedience of instruction; **punish***

# The Club

- Membership

- Membership of a Club is a privilege not a right
  - Members have rights and responsibilities to the club
  - The Club has rights and responsibilities to all its members
  - The Chairman has specific responsibilities regarding the resolution of disputes
  - The Club Constitution is the set of rules by which the club operates. It should be a living document and the point of reference for any actions taken by the club

- Who runs the Club?

- Role of the Head Coach
- Role of Officers, Committee, Members

# Mediation -v- Arbitration

- Mediation

- All parties retain ownership of the issues
- Structured discussions with an independent party to broker an acceptable solution
- Outcome agreed by parties
- Any sanctions agreed by parties
- Where no agreement is achieved.....

- Arbitration

- Often misunderstood term
- Ownership lost by all parties
- Tribunal will decide the outcome which is binding on all parties
- Sanctions available to and imposed by the Tribunal

# Discipline

- Processes

- What does your constitution allow?
- Role of the Club Committee
- ASA Reg 281 permits Clubs to apply sanctions – but what is the overriding requirement
  - Fairness
  - All parties have the opportunity to present their case and have the opportunity to respond
  - Compliance with ASA Requirements and rules
  - All parties retain ownership of the issues

# Discipline or Dispute or Welfare

- What criteria do you need to consider to decide whether matters are?
- Is it too easy to cry 'Welfare' rather than deal with challenging issues?



# Scenario

Damage has been caused in a changing room following a club training session. Inspected by Coach and Centre staff, clearly not accidental

- There is recent history of poor behaviour by boys in the changing rooms

Views invited.....

# Scenario

Following an incident during training Swimmer A was kicked by Swimmer B as they swam in the same lane. Swimmer A pulled Swimmer B to the end of the pool and slapped him around the head.

The Coach told both swimmers to leave the water, they were suspended for 2 weeks and would not be allowed to swim in the forthcoming County Championships.

Views invited.....

# Scenario

A club have had Code of Conduct issues between various male swimmers 14/15 years old. Often described as “banter” but coach has intervened several times to remind the squad of behaviour towards one another under the club code of conduct.

At dry training matters between 2 children escalate with an argument over where they are standing in the session and whilst the coach has their back turned one child physically assaults another by a punch in the face causing that child to bleed profusely from the nose and mouth.

Other children have witnessed the assault.

Parent of the injured child is on site and is alerted immediately and they take their child to A & E for suspected fracture to the nose and facial area.

Views invited.....

# Scenario

As Chairman the parent of a young swimmer has approached you stating that she does not believe her child is being dealt with fairly. The coach ignores her daughter and she says that other swimmers have been moved to 'faster lanes' when her daughter is a better swimmer. She has tried to find the criteria for advancement but can't.

Views invited.....

# Scenario

The parents of a member have continually disrupted training and club meetings, berating the committee members for being useless and not taking the club forwards.

This has continued for several months and at the December meeting the committee decided not to renew the swimmer's membership for the forthcoming year.

Views invited.....

# References and Further Reading

- ❖ ASA Reg 150-155

  - ❖ Internal Disputes and the process of dealing with them

- ❖ Club Constitution

  - ❖ Is it up to date?

  - ❖ Is it fit for your purpose?

- ❖ ASA Reg 281

  - ❖ Club discipline and internal dispute procedures

- ❖ Wavepower

- ❖ Good Club Guides