

BROADMOOR SKATING CLUB PROCEDURES FOR PROCESSING COMPLAINTS FOR ETHICAL INFRACTIONS

I. SCOPE

All written complaints meeting the requirements of this Section that allege Broadmoor Skating Club (BSC) ethical infractions shall be handled according to the procedures outlined in this document. No verbal complaints or complaints based on rumor or innuendo will be accepted or considered by the BSC Board of Directors.

II. INITIATION OF PROCEDURES

A. Complainant. Any member in good standing of BSC (1) allegedly aggrieved or harmed by an alleged BSC ethical infraction committed by a BSC member or (2) knowing about or having observed an alleged BSC ethical infraction committed by a BSC member which the complainant believes will harm or harms the reputation or image of BSC as a whole or materially interferes with a figure skating training session, event or activity of BSC held at CSWA facilities, may file a complaint citing the conduct constituting the alleged infraction and outlining the harm caused thereby.

B. Complaint. The complaint must be submitted in writing and contain the following:

1. Name and telephone number of the complainant;
2. Conduct complained of and date, time and place it occurred;
3. Description of why conduct constitutes an ethical infraction;
4. Name(s) of party(ies) allegedly committing the infraction(s);
5. Name and phone number of a corroborating witness.

If any of these items are not contained in the complaint, it will not be considered unless the complainant has good reason for omitting the item (such as impossibility).

C. Time Period. The complaint must be received within sixty (60) days of the occurrence or discovery of the occurrence of the allegedly violative conduct.

D. CSWA Action. The failure of a complainant to file a complaint under these procedures will not prevent, or prejudice the ability of CSWA to take, action against any person whose conduct is believed by CSWA to have interfered with or disrupted the operations or activities of CSWA or to have harmed CSWA property or the image or reputation of CSWA.

III. COMPLAINT PROCESSING

A. Ethics Commission.

The BSC Board of Directors shall designate three parties to comprise the BSC Ethics Commission. One of these parties shall be designated Chair. The parties will remain so designated until one or the other resigns or is otherwise unable to fulfill the duties of the position in which case the BSC Board shall designate replacement(s), as necessary. The names of these parties shall be published and distributed each year at BSC's regular annual meeting. The complaint must be filed with any of the members of the BSC Ethics Commission who shall promptly forward it to the other two members.

B. Screening.

The members of the BSC Ethics Commission shall, as soon as is practicable, then confer to determine (1) whether the requirements for filing the complaint have been followed and, if so,(2) whether the conduct complained-of alleges a BSC ethical infraction on its face. At this point, the Commission may confer with the CSWA Ice Hall Manager for purposes of consultation and exchange of information concerning the subject matter of the complaint.. After such consultation, the Commission may decide that the complaint would best be handled by CSWA or the Professional Skaters' Association if a coach is involved, in which case it will be referred to the appropriate party and BSC will have no further involvement. If the matter is not so referred, BSC will continue to be involved and the following procedures are to be employed.

1. Complaint Deficient. If the Commission determines that either of the two prerequisites described above is not met, the complaint will be rejected and the Chair of the Commission will return the complaint to the complainant without prejudice, stating the reason(s) for the rejection. The complainant may elect either to drop the matter or explain the deficiencies and re-file the same or an amended complaint, as appropriate, within the time period stated above. Only one re-filing will be permitted. If the re-filing is still deficient, the complaint will be rejected with prejudice and no further action will be taken. If the re-filed complaint meets the requirements of this Section, the Commission shall proceed as in Para. III. B. 2.

2. Corroboration by Witness. If the Commission determines that the above prerequisites are present and the complaint remains within BSC jurisdiction, the Commission shall review its factual allegations with the named witness, if there is one. If the allegations are not or cannot be corroborated without good reason (such as there was no witness), the Commission may reject the complaint with prejudice and return it to the complainant, or, in the alternative, permit the complaint process to continue if, in fact, the reasons for lack of corroboration are valid. If the complaint process continues, the Commission shall then proceed as set forth in Section IV.

IV. HANDLING OF VALID COMPLAINT

The Commission shall first meet with the respondent(s) and inform them that a complaint has been filed against them as well as of the allegations made therein. If the respondent(s) are minors, they shall be entitled to be represented by a parent, legal guardian or other duly appointed legal representative at that meeting. The Commission shall answer any questions about the procedure for handling the complaint. At that time, the respondent(s) should be asked whether the facts alleged are admitted or denied.

A. Allegations Admitted. No further investigation is necessary. The Commission shall formulate a recommendation to the BSC Board of Directors containing the following:

1. A statement that the factual allegations have been admitted;
2. A statement as to what ethical infraction it believes occurred;
3. A recommendation as to what disciplinary action, if any, the BSC Board should take. or recommend to CSWA.

B. Allegations Denied. Further investigation is necessary. The Commission shall constitute the investigatory body for purposes of these procedures on behalf of the BSC Board of Directors. The Commission shall proceed with the investigation. Barring extraordinary circumstances, the investigation should be completed within 14 days.

1. Investigation Reveals Allegations to be True. The respondent(s) shall first be given opportunity to respond in writing to the results of the investigation.. That response should be submitted to the Commission within seven (7) days of the date respondent(s) were notified of the investigatory report. Once the time has passed, the Commission shall

formulate a recommendation to the BSC Board of Directors containing the following elements:

- a) A statement of the results of the investigation;
- b) Respondent(s) response to the investigatory report, if received in a timely manner;
- c) A statement as to what ethical infraction it believes occurred;
- d) A recommendation as to what disciplinary action, if any, the BSC Board should take or recommend to CSWA.

2. Investigation Inconclusive. Commission shall formulate a recommendation to the BSC Board of Directors containing the following elements:

- a) A statement that the investigation was inconclusive;
- b) A recommendation as to whether (1) the BSC Board should be convened to hold an evidentiary hearing on the matter or (2) the matter should be referred to CSWA for disposition or (3) the matter should be dropped because of an inability to ascertain the facts (in which case the complaint should be returned to the complainant with prejudice). The BSC Board shall act on the Commission's recommendation at its earliest opportunity.

3. Investigation Reveals Allegations to be Untrue. The complaint should be rejected with prejudice and returned to the complainant.

V. HEARING

If the BSC Board determines that a hearing is necessary or if respondent(s) requests a hearing, both the complainant and respondent(s) shall be informed of the date, time and place of the hearing and will be entitled to bring two witnesses each to testify on their behalf. If the respondent(s) are minors, they shall be entitled to be represented by a parent, legal guardian or other duly appointed legal representative. A strictly confidential hearing will be conducted in accordance with administrative procedures that are commonly accepted to be fair and equitable. Based on the results of the hearing, the Board will decide whether the facts, are, or are not, as alleged. Both the complainant and the respondent(s) shall be informed of the Board's decision in a timely manner. If the facts are not as alleged or are insufficient to constitute a BSC ethical infraction or are ambiguous, the complaint will be rejected with prejudice as above. Otherwise, the Board will proceed as prescribed in Section VI.

VI. DETERMINATION OF ETHICAL INFRACTION

The BSC Board shall make a determination, either based on recommendations from the Commission or the results of the hearing, what BSC ethical infraction has occurred. Once that determination has been made, the Board shall either:

- A. Referral.** Refer the matter to the Ethics Commission to recommend what action should be taken, or
- B. Board Action.** Determine itself the action to be taken.

VII. DESCRIPTION OF BSC ETHICAL INFRACTIONS AND DISCIPLINARY ACTIONS

A. Type. For purposes of these procedures, BSC ethical infractions shall be divided into three categories:

1. Minor Infractions. Minor infractions include but are not limited to first violations of CSWA guidelines for on-ice activities as well as any unacceptable or disruptive behavior on CSWA property or at BSC or USFSA - sanctioned events. Such behavior encompasses conduct that is unbecoming a member of the Broadmoor Skating Club as determined by the BSC Board of Directors in conjunction with the BSC Disciplinary Commission. It includes conduct that violates commonly accepted standards of fair play and good sportsmanship.

2. Major Infractions. Major infractions include, but are not limited to:

- a) Theft or destruction of property valued at less than \$50;
- b) Impairment due to the use of recreational drugs, alcohol or, if a minor, tobacco, on CSWA property or at BSC or USFSA - sanctioned events;
- c) Threats of physical or mental assault that occur on CSWA property or at BSC or USFSA - sanctioned events;
- d) Threats to damage or damaging a person's skating career, reputation or competitive position in an unsportsmanlike manner;
- e) Two or more or repeated minor violations;
- f) Sexual harassment as defined in the latest edition of the US Figure Skating rulebook or otherwise contained in US Figure Skating policies, procedures or guidelines.

3. Criminal Conduct. Criminal conduct includes, but is not limited to:

- a) Theft or destruction of property valued at \$50 or more;
- b) Unjustly and falsely injuring a person's reputation, akin to libel or slander;
- c) Any other criminal activity under CO law.

B. Options for Disciplinary Action. Disciplinary actions may include, but need not be limited to, any one or more of the following:

1. Minor Infractions

- a) Verbal warning;
- b) Written warning;
- c) Suspension of club membership for one month.
- d) Referral of matter to CSWA.

2. Major Infractions

- a) Written warning;
- b) Suspension of club membership for not less than six months;
- c) Permanent expulsion from the Club;
- d) Appropriate financial sanctions.
- e) Referral of matter to CSWA.

3. Criminal Conduct

- a) Suspension of club membership for one year;
- b) Permanent expulsion from the Club;
- c) Appropriate financial sanctions;
- d) Referral of matter to CSWA.
- e) Notification of appropriate legal authorities.

C. Discretion. In taking any punitive action or making a recommendation, the BSC Board may consider the demeanor of respondent(s) as well any other mitigating circumstances. Conversely, repeat offenses or lack of remorse may justify more serious disciplinary measures.

D. Notice. The respondent(s) shall be promptly notified in writing of the BSC Board's decision regarding the allegation, disciplinary action to be taken or recommendations to be made, if any. CSWA shall also be notified in writing of the decision if the complaint involves conduct or activities that occurred on CSWA property.

E. Confidentiality. All aspects of the application of these procedures shall be treated in a confidential manner on a need- to- know basis.

F. Finality. The Board's decision shall be final. There is no right of appeal.

G. Amendment. The BSC Board may amend these procedures at any time by majority vote.

VIII. TIME

Except in extraordinary circumstances, there should be no more than 60 days between the date of filing of a complaint and its disposition.

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