

Complaint Procedures

The following procedures should be taken to review complaints made against ACAC member institutions or their personnel with a view to resolving them in a fair and equitable manner. Complaints subject to this procedure include, among other matters, complaints relating to eligibility, recruitment, and discipline.

Presentation of a Complaint

A complaint may be initiated either informally or formally. Every reasonable effort should be made by those complaining to obtain an amicable and proper resolution of complaints informally. Should the Athletic Director be in a 'conflict of interest' situation with respect to the allegation, the matter should be referred to his/her immediate supervisor who will replace the Athletic Director in the procedure outlined below.

Informal Complaint or Problem

The person initiating the complaint (complainant) may informally discuss any complaint or problem with the respondent (the individual(s) against whom the allegation is made). If a resolution is obtained to the satisfaction of both, further formal procedure will neither be applicable or necessary. Should discussion at this level be unsuccessful in resolving the problem, a formal complaint adhering to formal complaint procedures may be undertaken by the complainant.

Where a possible complaint against an institution is of a general nature (i.e. affecting a team or teams of an institution) and seems justified, complainants should contact their own Athletic Director. Such processes should be initiated as soon as possible after the incident that gives rise to the complaint has occurred, so that, if a problem exists, it can be dealt with expeditiously. The Athletic Director after meeting with the complainant(s) shall decide whether:

1. The matter is of legitimate concern;
2. The matter should be discussed between Athletic Directors without need of written complaint; and/or
3. The matter requires a written complaint before acting further, in which case the provision of the formal complaint procedure below shall apply.

Formal Complaint Procedure

The purpose of the formal complaint procedure is to deal with the complaint in the most expeditious and fair manner possible. A complaint may proceed to the formal stage only through a written complaint.

i) The formal complaint shall be in writing and submitted by the complainant(s) to the Athletic Director at the affected university/college. In the case of a complaint originating from an individual not directly connected to a university/college (i.e. parents, students, or general public) the complaint should be submitted to the appropriate Athletic Director and copied to the ACAC President.

- ii) A formal complaint should itemize in detail the nature of the complaint, including all relevant dates and other pertinent information. The complaint must be signed by the complainant(s). Anonymous complaints will not be formally acted upon.
- iii) The written complaint must be filed within two weeks of the knowledge of the alleged incident. Complaints filed outside this time period will only be considered with the consent of the ACAC President. The Athletic Director receiving the complaint will supply the respondent(s) with a copy of the written complaint no later than one week after the complaint has been filed.
- iv) A meeting or meetings shall be held, the first of which must take place no later than one week after the respondent(s) have been supplied with a copy of the complaint to review and to attempt to resolve the subject matter of the complaint. The Athletic Director(s) shall meet separately with the respondent(s) and the complainant(s). If both parties consent, the Athletic Directors shall hold joint meetings with the parties.
- v) With all proper attention to the concept and principle of confidentiality, the meeting and (meetings) shall be conducted by the Athletic Director in such a manner so that the principles of Natural Justice and Due Process are followed including that:
 - a. Parties to the complaint may, if they wish, be accompanied by another member of the university community or other third party to act as an advisor or representative.
 - b. No party may be denied access to relevant evidence.
 - c. Neither party may be denied an opportunity to present evidence and argument.
 - d. Parties must be given adequate opportunity to rebut contrary evidence and argument.
 - e. The Athletic Directors shall, at the meeting(s) with complainant(s) and respondent(s), make every reasonable effort to resolve the complaint to the mutual satisfaction of the parties. If agreement as to the proper course of resolution is arrived at, such resolution shall be put in writing and signed by both parties and forwarded to the ACAC President.
- vi) If after conducting the meetings a mutually satisfactory resolution cannot be reached, the Athletic Director(s) shall prepare formal reports to the ACAC President for all matters. The President shall determine the most appropriate individual or committee to adjudicate a decision. A written decision shall be forwarded to the appropriate individual(s) within a week of the adjudication. The Athletic Director(s) shall be provided copies of the written report. This report shall indicate the nature and relevant circumstances of the complaint, a summary of the information presented by the parties and may include a recommendation as to the appropriate disposition of the matter.