

2013

PRESIDENT: Eddie Hegewisch
VICE PRESIDENT: John Wagner
SECRETARY: Russ Klaus
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BOARD OF DIRECTORS POLICY #13-5 (previously 10-1)

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| ISSUED: <u>03/21/10</u> | AMENDED: 08/25/13 |
| EFFECTIVE: <u>03/21/10</u> | REISSUED: 08/25/13 |

SUBJECT: GRIEVANCE AND APPEAL PROCEDURE

I. POLICY:

- a. The Crofton Athletic Council (CAC) recognizes that problems, differences of opinion, complaints and grievances will arise in the operation of the Council between members, commissioners, coaches, players, and parents, and that there needs to be a clear, fair, and confidential policy and mechanism by which they can be identified, promptly considered, and resolved without fear of coercion or reprisal. For such a complaint to be considered for the Grievance process, it must be demonstrable that one or more parties allegedly violated a standing CAC Bylaw or Policy (for the sake of this policy, it is understood that CAC Bylaws and Policies also include CAC semi-independent sports Bylaws and Policies), or Anne Arundel County Department of Recreation and Parks Sports policy, to the detriment of another member. Decisions made by Commissioners (or SIS leadership) with respect to the management of their respective programs, and Coaches with respect to the management of their teams, shall not be subject to Grievance unless it can be demonstrated that these Decisions were in violation of CAC Bylaw or Policy, or Anne Arundel County Department of Recreation and Parks Organized Sports policy, and that such decision had an effect detrimental to the member filing the Grievance.
- b. This "Grievance and Appeal Procedure" for the Crofton Athletic Council shall be the mandatory and exclusive policy and mechanism for the Crofton Athletic Council by which such complaints and grievances shall be resolved. Each step of these procedures must be exhausted before appealing to the next step.
- c. Time requirements, unless extended by the President at any step, are mandatory. Failure to meet time requirements by an Aggrieved or Appellant shall result in a dismissal of the complaint or appeal, and by a respondent shall result in a default. The decision shall be rendered on the written record submitted.
- d. Delivery, where required, shall be made by personal delivery or by certified mail and shall be effective on the date of the personal delivery or the postmark, if by mail.
- e. Unless the grievance includes allegations of criminal behavior, sports that have SIS Boards will address the grievance. If during the process of reviewing the grievance, any credible allegation of criminal behavior is discovered, the SIS Board is required to notify the CAC Board immediately.

II. DEFINITIONS:

- a. Complaint: Any problem or difference of opinion between council members, commissioners, coaches, players, and parents, related to the business and purposes of the CAC. Complaints may be asserted and settled orally between the parties involved.
- b. Grievance: Any unsettled complaint --in which one party violated a standing CAC Bylaw or Policy, or Anne Arundel County Department of Recreation and Parks Organized Sports policy, to the detriment of another member-- and shall be asserted in writing.
- c. Aggrieved: Any member, commissioner, coach, player, parent, or other person making the complaint or grievance. The Aggrieved may only file a Grievance if the Aggrieved was the Party directly affected by the Respondent's alleged violation of Bylaw or Policy.
- d. Respondent: The person, usually someone who acts in a direct authority position to the aggrieved, against whom a complaint or grievance is asserted.

III. PROCEDURES:

- a. Step One:
 - 1. The Aggrieved shall notify the Respondent of a complaint as soon as is reasonably possible and request an "oral conference" within 10 days of the request at a time mutually agreed to by the Parties. The parties shall use their best efforts at the oral conference to discuss and resolve the Complaint.
 - 2. This step may be waived for good cause by the President at the request of either party.
- b. Step Two:
 - 1. The Aggrieved may file a "Grievance" if;(a)he is not satisfied with the outcome of the conference; (b)The Respondent does not schedule and hold an oral conference timely; (c) the President has waived the oral conference for good cause; and (d) –the complaint involves a situation in which it can be demonstrated that the Respondent violated a standing CAC Bylaw or Policy, or Anne Arundel County Department of Recreation and Parks Organized Sports policy, to the detriment of the Aggrieved.
 - 2. The Grievance shall be in writing and three copies shall be delivered to the President within fifteen days after Step One has been completed. It shall contain a clear and concise statement of the substance of the complaint; set forth all supporting and relevant details, including evidence of the violation of CAC Bylaw or Policy, or Anne Arundel County Department of Recreation and Parks Organized Sports policy, which is alleged to have occurred, as well as a description of the detrimental effect to the Aggrieved of this violation; and have attached to it only relevant documents and statements.
 - 3. Upon receipt of a Grievance, the President, in his discretion, may hear the grievance, or may appoint a disinterested, qualified person, not necessarily a member of the CAC, to act as a special Grievance Hearing Officer to hear the Grievance. The President shall cause to be delivered a copy of the complaint to the Respondent and advise the Aggrieved and Respondent as to who will hear the Grievance. If the President is the Respondent to the Grievance, he shall not hear the Grievance, and the Vice President shall assign a Grievance Officer in his (President's) place.
 - 4. Within 15 days the Respondent shall cause a copy of a written response to be delivered to the President, the Grievance Hearing Officer if one is appointed, and the aggrieved. The written response shall meet the same standards as set forth in Paragraph Number 2, of Step Two (2) above.
 - 5. The "Aggrieved" shall have 7 days from the date of delivery within which to file a written reply and deliver copies to the President, Grievance Hearing Officer, and Respondent.
 - 6. The President or Grievance Hearing Officer, if appointed, shall make a written decision dispositive of the grievance and deliver copies to the Parties and the Secretary within 10 days or as soon as is reasonably possible. If a violation of CAC Bylaw or Policy, or Anne Arundel County Department of Recreation and Parks Organized Sports policy, is found to have occurred to the direct detriment of the Aggrieved, such decision shall only seek to remedy the detrimental effect of this violation of Bylaw or Policy upon the

Aggrieved. Implementation of said remedy shall not create disruptive or detrimental effect to any other member.

c. Step Three:

1. Within 10 days of delivery of the decision, a final appeal may be made by a dissatisfied party to the Board of the CAC by filing with the President or Secretary a written notice of appeal and 15 copies of the entire record which shall consist of the Grievance, the response, the reply, and the decision. The hearing shall be at a regularly or specially scheduled meeting of the Board within thirty days of the notification of Appeal and the Board's decision shall be final.
2. The hearing before the board shall be at a closed meeting if requested by both of the Participants or if requested by one participant and the Grievance involves a personal issue which should remain confidential.
3. The Board may limit the appeal to the record, or it may, at its discretion, admit additional evidence. Each party shall be entitled to present an oral statement to the Board not to exceed 5 minutes in duration.
4. The Board shall not substitute its opinion for the Hearing Officers/Presidents decision as rendered in Step 2, but shall be limited to reviewing the record and correcting as justice deems appropriate any of the following:
 - a. A decision not supported by the record.
 - b. A decision not in compliance with the CAC Bylaws, Policies, and resolutions.
 - c. A violation of these grievance procedures.
 - d. An arbitrary decision.
 - e. A decision not dispositive of the grievance.

IV. Miscellaneous Provisions:

- a. A grievance may be withdrawn at any level.
- b. No reprisals shall be taken against any participant for participating.
- c. The President may extend for good cause any of the time limits required.
- d. The President may waive for emergencies any of the steps except Step 3.
- e. All grievances and appeals shall be kept confidential.
- f. Records of all grievances are to be maintained by the President and may be referred to for purposes of precedent and guidance.

V. Distribution:

- a. Distribution to all Crofton Athletic Council Board Members, Commissioners, and Coaches.
- b. Publication on website.