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## 28. CASE MANAGER JOB DESCRIPTION

### 28.1 Purpose

BC Artistic Swimming's policies may require the appointment of a Case Manager. This Job Description outlines the role, identity, and tasks of that individual.

### 28.2 Policies

The following Policies require the appointment of a Case Manager:

- a) *Discipline and Complaints*
- b) *Appeal*

### 28.3 Identity

28.3.1 The Case Manager appointed by BC Artistic Swimming should be experienced with handling disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with BC Artistic Swimming – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member, Director or participant and does not need to have a background in the sport.

28.3.2 The Case Manager's identity does not need to be approved by any of the parties involved in the dispute.

### 28.4 Discretion - Complaints

28.4.1 When a complaint is filed under the *Discipline and Complaints Policy*, the Case Manager is required to exercise his or her discretion to determine, among other things, if the complaint is frivolous or vexatious.

28.4.2 In making these determinations, the Case Manager should refer to BC Artistic Swimming's *Conduct Policy* to decide the appropriateness of the complaint. The Case Manager should also consider the motivations of the complainant and if the complaint appears to be motivated by personal interest, bias, or a grudge against BC Artistic Swimming or the Respondent.

### 28.5 Discretion - Appeals

28.5.1 When an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether, among other things, if there are appropriate grounds for the appeal.

28.5.2 At this initial stage of the appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error in the process may have been made. The Case Manager will need to carefully consult BC Artistic Swimming's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.

### 28.6 Discretion – Timeliness and Jurisdiction

28.6.1 When a complaint or an appeal is filed, the Case Manager is required to exercise his or her discretion to determine whether the policy has jurisdiction over the matter and whether the

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complaint or appeal has been filed within proper timelines and, if not, whether an extension should be granted.

28.6.2 When exercising discretion in this matter, the Case Manager should consider the scope of BC Artistic Swimming's authority and if BC Artistic Swimming is the correct organization to handle the issue. Further, when considering an extension to the listed deadline, the Case Manager should consider any extenuating circumstances that prohibited the submission of the complaint or appeal within the timelines, whether the timelines are reasonable, and if any party (or BC Artistic Swimming) will be adversely affected by the granting of an extension and/or if a granted extension will permit multiple additional complaints or appeals.

### **28.7 Hearing Format - Discretion**

28.7.1 The Case Manager is required to exercise his or her discretion to determine the format of the hearing. Hearings typically take the following forms:

- a) In person
- b) Conference call
- c) Written submissions
- d) Conference call + written submissions

28.7.2 In determining the format of the hearing the Case Manager should consider:

- a) The distance between the parties
- b) The animosity between the parties
- c) The time commitment and location of the Panel
- d) The timelines for a decision
- e) The language barriers between the parties
- f) The gravity of the complaint/appeal

### **28.8 Panel Appointment**

28.8.1 The Case Manager is required to appoint a Panel of one person or, in extraordinary circumstances, three people to decide the issue. The individual(s) should have the following characteristics:

- a) Experience in dispute resolution
- b) Experience with sport disputes
- c) No connection to either party
- d) Preferably no connection with BC Artistic Swimming
- e) Decisiveness

28.8.2 The Panel should consist of three individuals only when the complaint or appeal is especially contentious or complex, or if it has major life-changing effects on the parties.

28.8.3 The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy.

28.8.4 The Case Manager may assist the Panel in writing the decision but must not volunteer his or her opinion on the case.

### **28.9 Communication**

28.9.1 Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the

deadlines set by the Case Manager, or by the applicable policy, and the process must move forward even if a party misses a deadline with no reasonable explanation.

- 28.9.2 When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the Complainant or Appellant, and then the schedule of the Respondent in an attempt to find a suitable time for everyone.