

MOTION CARRIED AT THE 2017 AGM

Notice of Motion: Replace current Athletic Recruitment and Undue Influence Policy, pages 30-34 of the 2016/17 ASAA Policy Handbook, with the following proposed replacement policy

Rationale: Having gone through an extremely time consuming and very expensive process last year in relation to this policy, it was determined that certain policy changes were required, and those changes have been reflected here.

5. Recruitment and the Duty to Discourage Athletically Motivated Transfers

Athletic Recruitment undermines the priority of academic education for the student and promotes values that are inconsistent with the objectives of the ASAA. To meet the objectives of the ASAA, Principals of member schools, athletic directors, coaches, students and other stakeholders (e.g. alumni associations, booster clubs and parent groups) must refrain from recruitment by means of influence or inducements that could or do encourage a student to enroll in or transfer to a school primarily for athletic purposes after the student has entered grade 10 and has participated in an ASAA sport. All stakeholders have a positive duty to discourage an athletically motivated transfer. Failure to discourage a transfer that is obviously athletically motivated constitutes recruitment. The fact that transfer eligibility has been approved in no way excuses recruitment.

A. There are a broad range of behaviours that could alone or when considered in part or in whole be deemed to be recruitment. While the facts of each allegation will be considered on a case by case basis, the following may indicate that a student has been recruited, contrary to the terms of this policy:

- i. any offer of monetary or transportation assistance to a student, parent or guardian (including fees, tuition, bus passes or other allowances or waivers).
- ii. offering or accepting school privileges or considerations not normally granted to other students;
- iii. any inducement or attempted inducement of parents, guardians or students to change their location of residence for athletic reasons. Facilitating a change of guardianship for the purpose of changing the location of a student athlete's residence so that they can transfer schools will be considered recruitment unless there are other compelling reasons for the change of guardianship (e.g. to protect the student from physical or emotional abuse);
- iv. contact with a student or parent or guardian of a student who attends another school in an attempt to persuade that student, primarily for athletic purposes, to attend the inducer's school;
- v. the attempt to persuade or induce a student, primarily for athletic purposes, to remain in the inducer's school, when the student had otherwise decided to transfer to another school.

B. If a person has knowledge of recruitment, as defined herein, he or she shall provide written notice of the allegation of the recruitment to the principal of the school or schools involved, the secretary of the

Executive of the ASAA zone in which the school is located and the Executive Director of the ASAA. If the allegation is being made by a teacher and is regarding an Alberta Certified teacher, the teacher making the allegation must follow the ATA Code of Professional Conduct (see Appendix), and provide notices as required in the Code to the teacher in question and others.

C. Upon becoming aware of facts or circumstances that might indicate that recruitment contrary to this policy may have occurred or upon being directed to do so by the ASAA Executive, the Executive of the Zone in which the school the student transferred to is located, under the direction of the ASAA Executive Director shall commence and complete an investigation to determine if this policy has been violated. Unless the ASAA Executive Director directs otherwise, investigations to determine if there has been a breach of this policy will be conducted as follows:

i. The allegations of athletic recruitment shall be fully disclosed by the investigating zone executive to the party against whom they are made and to any member school which that party attends, or to any member school at which that party is employed, or at any member school to which that party is otherwise associated

NOTE: Any allegations brought to the ASAA office will be directed to the respective zone Executive to address according to this policy.

ii. The party against whom the allegations are made shall be given an opportunity to respond to those allegations by submitting to the investigating zone executive a written response to those allegations within five clear days of the date of receipt of notice. The ASAA may direct that all correspondence throughout this process be copied to the respective school principal(s) and others.

iii. The investigating zone executive shall attempt to obtain written statements from all students, coaches, teachers, school staff administrative personnel and others who may have information relevant to the allegations of recruitment.

iv. Upon request made by the investigating zone executive, and subject to the terms of the ATA Code of Professional Conduct, all students, coaches, teachers, school staff, administrative personnel of member schools and others associated with either the sending or receiving school shall cooperate and assist in the investigation conducted by the zone executive.

v. The investigation shall be completed by the zone executive within fifteen clear days from the date of receiving a written notice of the allegations as specified in paragraph C. The zone may additional time to complete their investigation.

vi. Within five clear days of completing the investigation, the investigating zone executive shall submit an Investigation Report to the ASAA Executive and any party against whom the allegations are made summarizing the allegations made, the action taken by the zone executive to investigate those allegations, and the result of the investigation. The zone may request for additional time to provide their report.

vii. The Investigation Report must be delivered to the ASAA Executive and the party against whom the allegations are made along with any materials relied upon in the preparation of the investigation report.

viii. The Investigation Report submitted to the ASAA Executive and any party against whom the allegations are made shall contain a concise summary of any verbal statements given to the zone executive by persons interviewed during the course of the investigation by the zone executive.

ix. The written report submitted to the ASAA Executive shall identify any persons who failed or refused to cooperate in the investigation conducted by the zone executive.

x. The written report submitted to the ASAA Executive and any party against whom the allegations are made shall contain the investigating zone executive's opinion as to whether athletic recruitment has occurred.

xi. In the event that the investigating zone executive believes that recruitment has occurred, the Investigation Report shall contain a summary of the facts to support that belief.

xii. Within five clear days of receipt of the Investigation report, any party against whom the allegations have been made, and others as permitted by the Executive Director of the ASAA, may submit a response to the Investigation Report to the Executive of the ASAA.

xiii. Within 10 clear days of receipt of the Investigation Report, the ASAA Executive will issue a written decision which sets out their determination as to whether or not there has been a breach of this policy and if so, any resulting consequence. The ASAA Executive may also direct further process before making any final determination.

xiv. Within five clear days of any final determination by the ASAA Executive, the Executive Director of the ASAA will notify any party against whom the allegation was made and other interested parties as directed by the ASAA Executive.

xv. The ASAA Executive may direct a course of action as part of making a final determination. The direction shall include timeframes for the completion of the course of action.

Note: A Zone Executive may take any further steps as permitted by their own policies and bylaws with respect to any allegation of Recruitment.

6. Any student, coach, teacher, school staff or administrative personnel of a member school who fails or refuses to cooperate with and assist in the investigation conducted as per this policy and after being afforded an opportunity to respond to that allegation may be:

i. excluded from any ASAA related competition at local, zone or provincial level by the ASAA Executive for any period of time that the ASAA Executive in its absolute discretion deems appropriate; or

ii. subjected to such other penalty as the ASAA Executive in its absolute discretion deems appropriate.

7. Unless there are special circumstances as determined by the ASAA Executive, the investigation and decision process described in this policy will not be engaged in the period 30 clear days before the provincial championship in that sport is completed.

8. The ASAA Executive reserves the right to not engage in the decision making process described in this policy for any reason including the passage of time since the occurrence of the alleged recruitment.

9. Any student, coach, teacher, school staff or administrative personnel of a member school who violates this policy may be excluded from any ASAA related competition at local, zone or provincial level by the ASAA Executive for any period of time that the ASAA Executive in its absolute discretion deems appropriate, and may be subjected to such other consequence as the ASAA Executive in its absolute discretion deems appropriate. Without limiting the generality of the foregoing, any student who has been recruited in violation of this policy may be deemed ineligible for any ASAA provincial competition or for any other period as directed by the ASAA Executive.

10. In addition to any other consequences imposed, the ASAA Executive:

i. When, prior to ASAA provincial championships, it is determined that a coach, player or other person associated with a team from any ASAA member school has violated this policy, that team may be suspended from participating in ASAA provincial championship competition and any activity leading to an ASAA provincial competition for that season.

ii. Where the violation is discovered after ASAA provincial championships, the team and ASAA member school found in violation of this policy may be stripped of any medals won in ASAA championship competition or activity leading to an ASAA provincial competition and may be suspended from participation in provincial championships or any activity leading to an ASAA provincial championship for the next full season of play.

iii. Any coach in violation of this policy may be suspended from coaching in any ASAA provincial championship competition and in any activity leading to an ASAA provincial competition in any sport for any period of time that the ASAA Executive in its absolute discretion deems appropriate. Further, the ASAA member school team coached by said coach may be stripped of any medals won, and may be suspended from participation in ASAA provincial championship competition or any activity leading to an ASAA provincial championship competition for the next full season of play.

11. Anyone found to have breached this or a successor policy intended to prevent recruitment after having been found to have breached the policy will have to establish why they should not be banned for life from being associated with or having involvement in any ASAA sponsored sport or activity leading to an ASAA provincial competition.

12. In the absolute discretion of the ASAA Executive, the determination as to any breach of this policy and any consequences resulting from a breach of this policy may be presented at the next general meeting of the ASAA; respecting any restrictions imposed by applicable privacy legislation.

13. The decision of the ASAA Executive Committee shall be final and binding and not subject to judicial review.

Good Sportsmanship cannot be legislated; it must be a goal toward which the Association and its members strive.