



## BC Soccer Policy

<b>Policy Type</b>	Governance Policy
<b>Created</b>	November 5, 2022
<b>Revised</b>	
<b>Reviewed</b>	Every 2 years
<b>Policy Name</b>	<b>Discipline, Complaints and Appeals Policy</b>

### Policy Statement

Individual registrants and participants, Member Organizations and Affiliated Organizations are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with BC Soccer's bylaws, rules and regulations, policies and directives. Irresponsible behavior by Individuals or Organizations can result in severe damage to the integrity of BC Soccer and soccer in BC. Conduct that breaches any governing documents may be subject to sanctions pursuant to this Policy.

### Purpose

To ensure that any irresponsible behavior or conduct occurring within sanctioned soccer activities and events and any other alleged breaches of governing documents can be reported and managed equitably and fairly. Further, to specify the organization, procedures and functions of the Judicial Bodies of BC Soccer and its Members and Affiliated Organizations

### Standards

1. This Policy applies to all Individual Registrants and all Registered Organizations under the jurisdiction of BC Soccer and its affiliates when engaged in any sanctioned soccer-related activities, whether on or off field.
2. Discipline action may only be taken against an Individual Registrant or Member or Affiliated Organization of BC Soccer for misconduct, or attempted misconduct, occurring at the time of the incident and cannot be retroactively charged for incidents prior to registration of such person or organization.
3. Notwithstanding Standard "2" any person acting as a Team Official, Administrator or Match Official shall be considered an Individual Registrant regardless of whether he/she has registered to do so.
4. Any misconduct, or attempted misconduct, by an unregistered individual of a Member Organization shall be handled by that organization's code of conduct and/or applicable policies and procedures.
5. Individual registrants, Member Organizations and affiliated organizations alleged to have breached the FIFA Laws of the Game, BC Soccer Bylaws, Rules & Regulations, Policies or directives has three options:
  - a. Admit guilt and accept sanctions, without a hearing
  - b. Accept guilt and request a hearing
  - c. Dispute guilt and request a hearing
6. The sanctions outlined in this Policy represent the minimum that may be imposed by BC Soccer and/or a Member or Affiliated Organization. Member and/or Affiliated Organizations shall not incorporate sanctions within their own disciplinary rules that fall below the specified in this Policy.
7. All registered organizations and registered individuals are required to cooperate with a request for information from any of the Judicial Bodies when responding to a complaint
8. The official language available to be used in proceedings is English. BC Soccer may, if necessary, use the services of an interpreter. All decisions rendered will be published in English. If an individual attending a hearing requires an

interpreter, BC Soccer shall provide one; however, any and all fees associated with doing so will be incurred by the individual requiring the interpreter.

## Jurisdiction

9. Any person or organization reported for misconduct and all allegations of misconduct involving any of the following shall be dealt with by a Judicial Body of BC Soccer except as otherwise stipulated herein.
10. BC Soccer shall have direct jurisdiction in the following matters:
  - a. Complaints or inquiries referred to it by another Provincial Association
  - b. Discipline at competitions and events directly managed and organized by BC Soccer
  - c. Any form of excessive physical assault
  - d. Language and/or profanity directed at a Match Official
  - e. Attempted abuse of a Match Official
  - f. Intimidating and/or threatening behavior
  - g. Misconduct involving racist or sexist comments
  - h. Misconduct by an Association Official within Members or Affiliated Organizations (even if participating in another capacity)
  - i. Any other matter directly related to BC Soccer which the Judicial Body of BC Soccer, in their sole discretion chooses to handle
11. All alleged offenses other than those listed above may be dealt with by the Member or Affiliated Organization in whose jurisdiction the alleged offence took place.
12. Members and Affiliated Organizations may only deal with discipline that involves their own members, and that which does not meet/exceed the thresholds listed in Standard 8.
13. A Judicial Body of BC Soccer may, at their discretion, refer a case to the Member or Affiliated Organization in which the alleged offence took place.
14. Members and Affiliated Organizations shall ensure that their disciplinary procedures, Rules and Regulations and Sanctions are consistent with those of BC Soccer.
15. A Member or Affiliated Organization may refer a misconduct incident to their governing organization.
  - a. If the governing organization determines that the referral is valid, it shall handle the case.
  - b. If the governing organization determines that the referral is not valid, the case shall be handled by the organization with jurisdiction for that misconduct type.
16. Egregious acts can be referred to BC Soccer for hearing and bear provincial Sanctions. Similarly, BC Soccer may extend the jurisdictional Sanctions and Suspensions provincially.
17. All misconduct of a Member or Association Official shall be heard by BC Soccer.
18. A Judicial Body of BC Soccer at their discretion may authorize a Panel to hear any misconduct cases on their behalf.
19. A governing jurisdiction shall be empowered to determine:
  - a. The circumstances and/or parameters for determining an abandoned match
  - b. The circumstances for which an abandoned match is/may considered a forfeit by a team
  - c. If an abandoned match is to be rescheduled, awarded to the opponent or indefinitely postponed.

## Appeals

20. Any Registrant and/or Registered Organization, the Accused or Victim of the accused who is directly affected by a decision of a Governing Organization or of anybody or individual who has been delegated authority to make decisions on behalf of the Governing Organization, will have the right to seek Leave to Appeal that decision to the next higher Governing Organization, provided there are sufficient grounds for the appeal as set out in the Discipline, Complaints and Appeals Operational Procedures.
21. No action or legal proceeding will be commenced against BC Soccer or its Registrants/Registered Organizations in respect of a dispute, unless BC Soccer has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in BC Soccer's governing documents.

## Protests

22. Protests on games will be made according to the rules of the competition in which the game was played.
23. A Coach or Team Official can lodge a protest on a Match Official's rule interpretation ONLY and may NOT protest any Match Official's decisions.
24. The competition rules will specify the timelines for the convening of protest hearings and the communication of decisions.
25. The Protest Panel must consist of at least one and maximum of three members.
26. The Protest Panel will deal only with the matters raised in the protest.
27. Any other issues that arise (e.g. discipline) will be dealt with by the appropriate Governing Organization as may be necessary.
28. Video tape evidence is acceptable provided it substantiates verbal evidence given by any party. Video tape evidence that simply seeks to show errors made by a match official will be ruled out of order and not considered. Video tape evidence that shows possible errors in identification by the Match Official will be allowed.
29. All protest hearings will be documented with formal findings and decisions arrived at by the Protest Panel.
30. In Tournaments and Cup Competitions, the host organization can include a rule that decisions of the Protest Hearing Panel are final and may not be appealed in accordance with BC Soccer Discipline, Complaints and Appeals Operational Procedures.
31. Members of Protest Panels cannot be members of any subsequent Discipline or Appeal Hearing Panel that deals with any matters arising from the protest matter.
32. Tape recorders can be used at hearings convened to deal with protests. All persons participating in the hearing must be advised that the hearing is being taped.

#### Natural Justice and Duty to Act Fairly

33. This Policy follow the principles of natural justice aimed to provide individuals and organizations with a fair hearing.
34. All individuals and organizations have the right to and/or must provide the right to:
  - a. A process free of bias: the members of the Judicial Body are unbiased, in that they are impartial and unprejudiced, and are reasonably perceived to be unbiased;
  - b. Prior notice: advance access to relevant information that identifies the allegations and contains sufficient information for respondents to respond to the allegations and participate meaningfully in the decision-making process.
  - c. Fair hearing: the respondent is afforded a timely and reasonable opportunity to participate in the hearing, and may either represent themselves, or be represented by a person of their choosing and the members of the Judicial Body genuinely consider the respondent's submissions in making their decision.

#### Confidentiality

35. Members of the Judicial Bodies will ensure that everything disclosed to them during the course of their work, including but not limited to the facts of the case, the contents of their deliberations, and the decisions taken, remains confidential.
36. Proceedings of any Judicial Body will be closed to individuals who are not named parties, Advisors or Representatives unless all parties involved in the proceedings agree to admit the individual(s).

#### Conflict of Interest

37. Members of the Judicial Bodies must decline to participate in any meeting concerning a matter in which they are in a real or perceived conflict of interest. Such instances include, but are not limited to the following:
  - a. If the member in question has a direct interest in the outcome of the matter;
  - b. If the member is associated with any of the parties; or

c. If the member has already dealt with the case under different circumstances.

38. Members of the Judicial Bodies who decline to participate in a meeting on any of the above grounds must notify the Panel immediately.
39. The parties subject to any proceeding before a Judicial Body can also raise an objection to a member of a Judicial Body hearing the case whom they believe to be biased or in a conflict of interest. The Chair of the appropriate Panel must decide on any claim of bias or conflict of interest
40. Proceedings that have involved a panel member whom the Chair has ordered not to participate will be considered null and void.

#### Independence

41. The Discipline Chair and Appeal Chair of BC Soccer are independent from BC Soccer and must not serve on the board, committee(s), advisory groups, or be a staff member of BC Soccer, its Members or Affiliated Organizations in a staff or volunteer capacity.
42. The Discipline Chair of BC Soccer may not act as the Appeal Chair of BC Soccer or participate as an Appeal Panel member.
43. The Appeal Chair of BC Soccer may not act as the Discipline Chair of BC Soccer or participate as a Panel member if the Disciplinary Body.
44. The Discipline Chair make their decisions entirely independently.
45. An individual cannot serve as Chair of more than one Panel for each case.
46. An individual who serves on a Judicial Body cannot at the same time be a director or staff member of BC Soccer.
47. An individual cannot serve on a Judicial Body if that individual or an immediate family member is associated with the accused.

#### Member and Affiliated Organization Compliance

48. Where sanctions outlined in this policy are noted as a minimum (except with fines over \$2500), member or Affiliated Organizations must not incorporate sanctions within their own disciplinary rules and/or regulations that fall below the stated minimum.
49. Members shall provide annually, a discipline report in a format provided by BC Soccer.
50. Any disciplinary action to be taken at a Friendly Match between two (2) representative teams from different Associations is the responsibility of the organization to which the sanctioned player belongs.
51. Members and Affiliated Organizations shall include, with all decisions, a notice that indicates the following information:
  - a. Association rules regarding appeals;
  - b. Association address (electronic or physical) where the appeal is to be lodged;
  - c. Method of payment and amount of fee;
  - d. Statement of fact document; and
  - e. Decisions which may be appealed to BC Soccer.

#### Misconduct Against Youth By Adults

52. Member and Affiliated Organization Discipline Panels may either hold their own hearings or request that reports of misconduct against youth by adults for the following be referred directly to the Judicial Chair of BC Soccer:
  - a. Dissent towards Youth Official
  - b. Offensive, insulting or abusive language and / or gestures to a Youth, Youth Official or in the proximity to Youth Use of profanity to a Youth
  - c. Youth Official or in proximity to Youth

53. In forwarding the request to a Judicial Body it will attract sanctions of greater severity with the high likelihood of being seen as aggravated or serious. In most cases there will be an immediate sanction from all soccer related activities once the alleged misconduct is known.
54. BC Soccer, via the appropriate Judicial Body, will handle all misconduct against Youth by adults that includes but is not limited to:
- a. Consuming alcohol or drugs or smoking in proximity to Youth
  - b. Being under the influence of alcohol or drugs while in the proximity of Youth
  - c. Threatening remarks to a Youth
  - d. Improper or unwanted Physical Contact with a Youth
  - e. Coercion, suggesting, facilitating, or demanding Youth to undertake unethical activity or breaks rules
  - f. Harassment or bullying of Youth
  - g. Sexual innuendo, request for sexual favours or any sexual contact with Youth or in the proximity of Youth
  - h. Lewd or improper behaviour towards youth or in the proximity of Youth
  - i. Endangerment of Youth
  - j. Failure to provide a safe environment for Youth
  - k. Failure to protect Youth
  - l. Where such misconduct may be considered a crime, it will be referred to the police. Members and Affiliated Organizations are accountable for the behaviours of their players, Officials and spectators and may be sanctioned for misconduct on the part of those persons.

### Liability

55. Except in the case of gross negligence, neither the members of the Judicial Bodies of BC Soccer nor the Staff, nor the Directors may be made found liable for any deeds or omissions relating to any disciplinary or appeal procedure.

### Limitation Period for Prosecution

56. Judicial proceedings must commence:
- a. Within one (1) year of the match (for match-related misconduct)
  - b. Within two (2) years of the infringement for non-match-related misconduct including anti-doping violations, or two (2) years from the date BC Soccer becomes aware of the misconduct. In the event of serious misconduct, the designated Judicial Body can extend these timelines.
57. Similar acts of misconduct may be considered a second or third offense if they occur within the above-noted timeframes.
58. Allegations of corruption are not subject to a limitation period from BC Soccer.
59. The limitation period commences on the day on which the accused party allegedly committed the misconduct. If the misconduct is recurrent, the limitation period commences from the day on which the most recent misconduct was committed, and if the misconduct lasted a certain period, from the day on which it ended.
60. The limitation period is interrupted if the Judicial Body of BC Soccer commences proceedings before it has expired.

### Limitation Period For the Enforcement of Sanctions

61. The limitation period for the enforcement of Sanctions is up to lifetime or as stated in BC Soccer's Sanctioning Tables.
62. The limitation period begins on the day on which the decision comes into force.

### Sanctions

63. Both natural and legal persons are punishable by each, or a combination of, the following sanctions at the discretion of the Judicial Body hearing the case:
- a. Written Warning - A warning is a reminder of the substance of a disciplinary rule allied with the threat of a sanction in the event of a further infringement.

- b. Reprimand - A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.
- c. Fine - Judicial Bodies may impose monetary sanctions based on the minimum standards outlined in Annex A. These minimum fines may be increased based on the weight of evidence presented in the case. The Judicial Body that imposes the fine decides the terms and time limits for payment. Member Associations are jointly liable for fines imposed on representative team players and Officials. The same applies to Clubs in respect of their players and Officials. The fact that a natural person has left a Club or Association does not cancel out joint liability
- d. Suspension - Judicial Bodies may impose a suspension, in addition to the mandatory minimum suspension outlined in Annex A, for a specific number of games, length of time or from all soccer related activity based on the weight of evidence presented in the case.
- e. Return of Awards - The person required to return an award shall return the benefits received, and in particular sums of money and symbolic objects (medal, trophy).

### Failure to Respect Decisions

- 64. Any financial or non-financial decision that has been pronounced against a natural person by a Judicial Body, duly recognized by BC Soccer, shall be enforced by the Association of the Judicial Body that has pronounced the decision or by the natural person's new Association if the natural person has in the meantime registered (or otherwise signed a contract in the case of a coach) with a Club affiliated with another Association, in accordance with the standards established by this policy and in compliance with the applicable disciplinary procedures.
- 65. Any financial or non-financial decision that has been pronounced against a Club or a Member of BC Soccer by a Judicial Body, duly recognized by BC Soccer, shall be enforced by the Association of the Judicial Body that has pronounced the decision in accordance with the standards established by this policy and in compliance with the applicable disciplinary procedures.

### Definitions

**Club:** an organization affiliated with BC Soccer via a Member Organization and operating under a common executive Governing documents: means those documented approved by the Board of Directors that define the roles and responsibilities of, and relationships between all stakeholders of BC Soccer.

**Individual registrants:** Registrants under the jurisdiction of BC Soccer and its affiliated and Registered Organizations when engaged in soccer-related activities, whether on or off field, sanctioned by BC Soccer. Additionally, any person acting as a Team Official, Administrator or Match Official shall be considered to be a Registrant regardless of whether he/she has registered to do so. Association Official within Members or Affiliated Organizations (even if participating in another capacity).

**Judicial Body:** means one of the following a Disciplinary Body or an Appeals Body. All of them together shall be known as the Judicial Bodies.

**Maltreatment:** A volitional act or omission that results in harm or has the potential for physical or psychological harm.

**Match:** shall mean any Exhibition Match, International Match or Competition Match.

**Member Organization:** means an organization that has been admitted into membership of BC Soccer;

**Provincial Competitions:** Competitions managed and operated directly by BC Soccer. League1 BC, BC SPL and Provincial Championships.

**Referee:** means an individual registered as qualified under BC Soccer Rules and Regulations who may be engaged as a Match Official at sanctioned matches

Registered Organization: shall mean an organization which registers with BC Soccer, as a District, League, or Club.  
Respondent: shall mean the Governing Organization which made the decision, which is being appealed or the alleged infracting party

Soccer-related activities: mean any, or all, of the following acts or actions by a Player, Team Official, Game Official, Administrator or Director including, but not limited to:

- Coaching players at games and practices, managing, playing, practicing, officiating, or
- Acting as an Administrator in any activity that falls under the jurisdiction of Ontario Soccer by any party either in person or by proxy, or
- Representing their applicable Governing Organization at another Governing Organization's meetings or voting at such meetings, or
- Managing or participating in an BC Soccer administered program.

Soccer Related Activity does NOT apply to the following exclusions:

- a) Attending a Discipline Hearing as an accused, or
- b) Attending an Appeal Hearing (provided that the appeal being made is against her/his suspension from all soccer related activity), or
- c) A Director of an incorporated organization performing corporate responsibilities related to that corporation, or
- d) An employee performing her/his employee administrative responsibilities.

#### **Guidelines**

N/A

#### **Applicable Operational Procedures**

Discipline, Complaints and Appeals Operational Procedures

#### **Compliance to BC Soccer Governing Documents**

In accordance with BC Soccer's "Bylaws 3.4.a.ii" all member organizations must comply with the applicable Bylaws, Rules and Regulations, Judicial Code and Policies, other Policies, decisions and directives of BC Soccer and the statutes, bylaws, regulations, directives and decisions of Canada Soccer, FIFA at all times

**-End-**