

1 Complaint & Discipline Policy

Date Effective: April 22, 2021

1.1 Definitions

1.1.1 The following terms have these meanings in this Policy:

- a) *“Case Manager”* – An individual appointed by the Organization, who need not be a member or affiliated with the Organization, to administer this Complaint and Discipline Policy. The Case Manager will comply with the position description described in Appendix “A”.
- b) *“Complainant”* – The Party alleging an infraction
- c) *“Days”* – Days including weekend and holidays
- d) *“Members”* – All members defined by the ASTRA Soccer Academy’s Bylaws and for the purposes of this policy shall also include parents, guardians and caregivers of individual members and spectators at ASTRA Soccer Academy’s programming and events, and events and competitions sanctioned by Saskatchewan Soccer or Canada Soccer
- e) *“Organization”* – Astra Soccer Academy
- f) *“Respondent”* – The alleged infracting Party.

1.2 Purpose & Jurisdiction

1.2.1 The ASTRA Soccer Academy is committed to providing an environment in which all members are treated with respect. Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Organization’s policies, bylaws, rules and regulations, and Codes of Conduct. Non-compliance may result in sanctions pursuant to this Policy.

1.2.2 The Organization shall have jurisdiction with respect to disputes between parties where the disputes involve the Organization and its members.

1.2.3 All complaints related to violent conduct, physical assault or attempted physical assault of a match official or organizer are under the jurisdiction of Saskatchewan Soccer. Where the Organization has received a formal complaint of alleged violent conduct, physical assault or attempted physical assault of a match official or organizer, the Organization will forward the formal complaint to Saskatchewan Soccer immediately.

1.2.4 This Policy will not apply to decisions relating to minor infractions/single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, ASTRA Soccer Academy, its members, or the sport. Procedures for dealing with minor infractions may be informal and will be determined at the discretion of the person in authority.

1.2.5 The Organization shall enforce any decision duly recognized by Saskatchewan Soccer and Canada Soccer.

1.3 Application of this Policy

- 1.3.1 This Policy applies to all Members relating to matters that may arise during the course of Organization's business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Organization's activities, and any meetings.
- 1.3.2 This Policies also applies to Members' conduct outside of the Organization's business, activities, and events when such conduct adversely affects relationships within the Organization (its work and/or sport environment) or is detrimental to the image and reputation of the Organization. The jurisdiction of this Policy will be determined by the Organization at its sole discretion.
- 1.3.3 This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.
- 1.3.4 An employee of the Organization found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the Organization's Human Resources policies and practices, as well as the employee's Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

1.4 Filing a Formal Complaint

- 1.4.1 Any Member may report any complaint to the Organization. A complaint must be in writing and must be filed within fourteen (14) days of the alleged incident, with the exception of ongoing/accumulated harassment. Complaints should be submitted to the Organization by email to info@astrasoccer.ca with the subject line "Complaint".
- 1.4.2 The complaint should include:
- a) A concise summary of the incident along with reference to which policy has been breached, the complainant's name and contact information, the identity of the respondent(s), and the date, time, and location.
 - b) The match official's report or special incident reports, if any, as applicable.
 - c) Witness statements to support the complaint.
 - d) Any other report, information, or evidence that would support the complaint.
- 1.4.3 At the Organization's discretion, the Organization may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Organization will identify an individual to represent them.
- 1.4.4 Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.
- 1.4.5 Anonymous complaints may be accepted at the sole discretion of the Organization.

1.5 Case Manager

- 1.5.1 Upon the receipt of the complaint, the Organization will send all materials to the ADR Institute of Saskatchewan, or a similar organization, to execute this policy. The ADR Institute of Saskatchewan will appoint a case manager.
- 1.5.2 The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times, and to implement this policy in a timely manner. The Case Manager has a responsibility to:
- a) Be independent, but in fulfilling their duties, the case manager may obtain independent advice and gather information relevant to the management of the complaint in whatever format and by whatever means they deem necessary.
 - b) Determine whether the complaint is within the jurisdiction of this Policy or frivolous
 - c) Propose the use of the Organization's Dispute Resolution Policy
 - d) Appoint the adjudicator, if necessary
 - e) Determine the appropriate procedure
 - f) Coordinate all administrative aspects and set timelines
 - g) Provide administrative assistance and logistical support to the adjudicator as required
 - h) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

1.6 Procedures

- 1.6.1 If the Case Manager determines the complaint is:
- a) Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
 - b) Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and the applicable next steps.
- 1.6.2 The Case Manager's decision to accept or dismiss the complaint may not be appealed.
- 1.6.3 The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.
- 1.6.1 After notifying the Parties that the complaint has been accepted, the Case Manager will provide the notice of complaint to the respondent, which shall include:
- a) Full details of the allegation and supporting materials related to the complaint.
 - b) The Respondent will then set out, in writing, any submissions, witness statements, or other evidence that they wish the adjudicator to consider.
- 1.6.2 The Case Manager will propose the Organization's *Dispute Resolution Policy* with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse, the Case Manager will appoint a single adjudicator to hear the complaint.
- 1.6.3 The Case Manager, in cooperation with the adjudicator, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing will generally be managed by document review. However, based on the circumstances of the complaint, at their sole discretion, the case manager may order a live hearing to be held. A live hearing may be held by telecommunications or in-person, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Adjudicator deem appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and format of the hearing
- b) Copies of any written documents which the parties wish to have the Adjudicator consider will be provided to all Parties, through the Case Manager, in advance of the hearing
- c) The Parties may be accompanied by a representative, translator, advisor, or legal counsel at their own expense
- d) The Adjudicator may request that any other individual participate and give evidence at the hearing
- e) The Adjudicator may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- f) The Adjudicator may obtain independent advice in order to fulfill their duties.

1.6.4 If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Adjudicator will determine the appropriate disciplinary sanction. The Adjudicator may still hold a hearing for the purpose of determining an appropriate sanction.

1.6.5 If a Party chooses not to participate in the judicial process, the hearing will proceed in any event.

1.6.6 If a decision affects a third party to the extent that the third party would have recourse to a complaint or an appeal in their own right, that third party will become a party and apart of the complaint procedure to the complaint in question and will be bound by the decision.

1.7 Decision

1.7.1 After the hearing has concluded, the Adjudicator will determine whether an infraction has occurred and, if so, the sanctions to be imposed. The adjudicator may issue a verbal or summary decision following the hearing's conclusion, but in all cases a full written decision with rationale shall be issued within fourteen (14) days and distributed to all parties.

1.8 Sanctions

1.8.1 The written decision must clearly outline the length of the sanction, the jurisdiction the decision applies to, and any conditions that relate to the decision. The Organization may only apply sanctions within its jurisdiction.

- a) Warnings - 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) Fines, Cost Recovery & Bonds - judicial bodies may impose monetary sanctions based on the minimum standards outlined in Article 5 in this policy. These fines may be increased based on the weight of evidence presented in the case.
 - i. The judicial body that imposes the fine decides the terms and time limits for payment.
 - ii. Performance bonds – a bond shall be posted by the respondent and shall be forfeited if unwanted behaviors, as specified in the decision, occur in the future.
 - iii. Re-payment of costs or repairs (e.g., costs related to missing a hearing or damage to property).

- c) General Suspension – involves either a game suspension or a time suspension
 - i. Game Suspension - renders an individual ineligible to participate in a specific number of games.
 - ii. Time Suspension - renders an individual ineligible to participate for a set period of time.
 - iii. A suspended person must stay away from the field of play and may not be involved in team activities or interact with match officials or the opposition in any way, including:
 - a Involvement with the team before the game, during the game, at half time, or after the game (including the handshake);
 - b Completing or signing team rosters;
 - c Acting in any manner that may be deemed to be coaching, including either verbal or physical actions, texting, or cell phone contact.
 - d Unless otherwise directed in the disciplinary decision, a suspended individual may attend games as a spectator.
- d) All Soccer Activity Suspension - includes all soccer related activity within a specified jurisdiction including, but not limited to, a ban from all playing, coaching, managing, organizing, practice or team training, and refereeing, and may also include specific limitations on interactions with youth and/or access to fields as a spectator and/or any other requirement as specified in the decision.
 - i. No player suspended provincially shall be eligible for membership in any other Member Organization within the province.
- e) Expulsion – results in a lifetime ban from all soccer related activity and termination of all rights and privileges of membership.
- f) Supplementary Discipline - while under suspension, should a suspended individual behave in a manner that does not adhere to the judicial decision or brings disrepute to the game at any time, they shall be subject to further judicial action.
- g) Other Sanctions
 - i. An official written pronouncement of reprimand
 - ii. Verbal or written apology from one party to the other party
 - iii. Service or other voluntary contribution
 - iv. Mandatory participation in educational or upgrading opportunities
 - v. Removal of specified membership privileges
 - vi. Withholding or return of prize money or awards
 - vii. Suspension of funding from the Association or from other sources
 - viii. Any other sanction considered appropriate for the offense
- h) Misconduct against a minor by an adult - to protect the safety of minor participants, regardless of whether the minor is a player, team personnel, referee, or organizer, sanctions imposed against adults for infractions against a minor shall have a higher level of consequence than that of a similar offense imposed for infractions against another adult; an exception occurs when minors are competing in adult competitions where they are treated as an adult.

1.8.2 The adjudicator will refer to Saskatchewan Soccer's *Discipline Policy* in order to ensure that sanctions meet the minimum sanctions required by Saskatchewan Soccer and Canada Soccer.

1.8.3 Unless the Adjudicator decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal.

1.9 Suspension Pending a Hearing

- 1.9.1 Misconduct, including but not limited to the following, may result in a suspension from all soccer-related activities pending the outcome of the judicial process:
- a) Actions by an adult that put the safety of a minor at risk including, but not limited to, physical, sexual or emotional abuse
 - b) Actions that bring the game into serious disrepute
 - c) Criminal investigations and/or convictions for a criminal offense
 - d) Participating while not registered.
- 1.9.2 In all cases where the safety of a minor is in question, the guidelines of Saskatchewan's Child Abuse Protocol and other applicable provincial acts shall also be adhered to:
- a) The accused shall be immediately removed from ALL interaction with minors (including transporting minors) and all involvement in soccer as a spectator, organizer/volunteer, match official, or team personnel.
 - b) The duty to report suspected child abuse ultimately overrides any duty to protect the privacy of the accused, however, the complaints and allegations, in and of themselves, are not facts; to protect the rights and reputation of all parties to the complaint it is required that all parties maintain confidentiality until the judicial and legal processes (if any) are complete; willful breaches of confidentiality, by any parties to the complaint, may be subject to discipline.
- 1.9.3 In the case that alleged misconduct results in a suspension from all soccer-related activities pending the outcome of the judicial process, Saskatchewan Soccer will be notified prior to the suspension being issued.

1.10 Criminal Convictions

- 1.10.1 An Individual's conviction for a Criminal Code offense, as determined by the Organization, will be deemed an infraction under this Policy and will result in expulsion from the Organization without a hearing or decision of an adjudicator. Criminal Code offences may include, but are not limited to:
- a) Child abuse or child pornography offences
 - b) Sexual offences
 - c) Offence of physical violence or psychological violence
 - d) Offence of assault
 - e) Offence involving trafficking of illegal drugs
- 1.10.2 A pardon is a government decision to allow a person who has been convicted of a crime to be free and absolved of that conviction as if never convicted.
- a) An individual who has been expelled from soccer based on a criminal conviction and who has received a pardon may apply for reinstatement.

1.11 Minors

- 1.11.1 In the event that a party is less than 18 years of age, they must be accompanied by a parent or guardian or their authorized representative. The parent/guardian/caregiver or authorized representative of the parent/guardian/caregiver may speak on behalf of the party during a hearing.

- 1.11.2 After consideration of the nature of the complaint, should there be concerns for the safety of a minor their participation may be excused, at the discretion of the adjudicator, and their representative may attend to speak on their behalf.

1.12 Confidentiality, Records, and Distribution of Decisions

- 1.12.1 The complaint and discipline process is confidential and involves only the parties, the case manager, the adjudicator, and any independent advisors to the adjudicator.
- 1.12.2 Infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the Association. Decisions are matters of public interest and shall be publicly available with the names of the parties redacted.
 - a) Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.
 - b) Names may be disclosed to the extent necessary to give effect to any sanction imposed.
 - c) The adjudicator may determine that disclosing the party's identity would unduly violate the party's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

1.13 Appeals Decisions

- 1.13.1 The decision may be appealed in accordance with the Organization's *Appeal Policy*.

1.14 Legal Action & Liability

- 1.14.1 Except in the case of gross negligence, neither the case manager, the adjudicator, nor the ownership, staff and volunteers of ASTRA Soccer Academy be made found liable for any deeds or omissions relating to any judicial process.