



<b>NORTH SHORE GIRLS SOCCER CLUB</b> (the “Society”)		
<b>POLICY &amp; GOVERNANCE</b>	<b>DISCIPLINE AND COMPLAINTS POLICY</b>	<b>Total Pages: 10</b>
		<b>Approval Date:</b> <b>April 18, 2023</b>

## Definitions

1. The following terms in this policy have the following meanings:
  - a) “*BC Soccer*” – The BC Soccer Association;
  - b) “*Board*” – The Board of Directors of North Shore Girls Soccer Club;
  - c) “*Case Manager*” An individual appointed by North Shore Girls Soccer Club to oversee this policy. The Case Manager will have responsibilities that include, without limitation:
    - i. Ensuring procedural fairness;
    - ii. Respecting the applicable timelines; and
    - iii. Using decision making authority empowered by this policy;
  - d) “*Complaint*” - A written expression of dissatisfaction made pursuant to this Policy;
  - e) “*Complainant*” – The party making a Complaint;
  - f) “*Days*” – Days refers to working days, not including weekends and holidays;
  - g) “*Discipline Chair*” - A person designated by NSGSC to perform the duties of Discipline Chair described in this policy, who may not be a Director of NSGSC;
  - h) “*Discipline Panel*” – The panel appointed by the Case Manager to decide the Complaint;
  - i) “*Discrimination*” – Differential treatment of a person based on one or more prohibited grounds, which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability;
  - j) “*Harassment*” – As defined in BC Soccer’s [\*Discipline, Complaints and Appeals Operational Procedures\*](#), means:
    - i. Behavior that is likely to be offensive, embarrassing or humiliating, and that involves unwelcome and offensive comments, conduct, gestures or contact based on or related to race, color, sex, disability, ethnic or national origin, age, religion or creed, sexual orientation, marital or family status, civil status, or other prohibited grounds of discrimination. Types of behavior that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts;
  - The display of visual material which is offensive or which one ought to know is offensive in the circumstances;
  - Unwelcome remarks, jokes, comments, innuendo, or taunts - Leering or other suggestive or obscene gestures;
  - Condescending or patronizing behavior, which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
  - Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;
  - Any form of hazing where hazing is defined as: any potentially humiliating, degrading, abusive, or dangerous activity expected of Individual(s) by a more senior Individual(s), which does not contribute to either person's positive sport experience or development but is required to be accepted as part of a team, regardless of the Individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any individual based on class, number of years in BC Soccer or its Member Organization, or ability;
- ii. Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing; or
- iii. Behaviors such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment;
- k) *“Individuals”* – refers to all categories of members and/or registrants defined in the bylaws of North Shore Girls Soccer Club as well as all people employed by, contracted by, or engaged in activities with or on behalf of North Shore Girls Soccer Club including, but not limited to, employees, contractors, athletes, coaches, referees, volunteers, managers, administrators, committee members, parents or guardians, spectators, and directors and officers;
- l) *“ITP Sport”* – ITP Sport & Recreation Inc., an agent of BC Soccer responsible for administering Complaints falling under the jurisdiction of BC Soccer;
- m) *“Maltreatment”* – Volitional acts that result in harm or the potential for physical or psychological harm and includes the behaviour set out in [“Appendix A- Maltreatment within BC Soccer’s Discipline, Complaints and Appeals Operational Procedures”](#), including, as per the definitions contained therein, Psychological Maltreatment, Physical Maltreatment, Emotional Maltreatment, Sexual Maltreatment, Maltreatment Related to Grooming, Bullying and Harassment as a form of Maltreatment and Discrimination as a form of Maltreatment. Examples of behaviours that are not considered as Maltreatment include:

- interpersonal conflicts or relations unless humiliating, intimidating, or threatening to health or safety;
  - different communication styles so long as those communication styles are within the reasonable limits of respectful workplace interactions;
  - the freedom of individuals to choose with whom to socialize in activities not related to the activity;
  - discipline or termination of membership or employment for cause;
  - constructive performance correction;
  - respectful coaching;
  - respectful discussion of different points of view; and
  - play time allocation based on the coaches' professional view that is not related to discrimination;
- n) "Mandatory BC Soccer *Proceedings*" – Has the meaning set out in Section 8 of this policy;
- o) "NSGSC" – North Shore Girls Soccer Club;
- p) "NSYSA" – North Shore Youth Soccer Association;
- q) "*Respondent*" – The Party responding to the Complaint;
- r) "*Sanctioning Tables*" – The Sanctioning Tables contained in BC Soccer's Discipline, Complaints and Appeals Operational Procedures. The Sanctioning Tables are reproduced as Appendix B to this policy and incorporated herein by reference.
- s) "*Sexual Harassment*" – As defined in BC Soccer's [\*Discipline, Complaints and Appeals Operational Procedures\*](#), means engaging in sexually-oriented comments, conduct, anecdotes, gestures or touching that are offensive or unwelcome that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to Individual. Types of behavior that constitute Sexual Harassment include, but are not limited to:
- Sexist jokes;
  - Display of sexually offensive material;
  - Sexually degrading words used to describe a person;
  - Inquiries or comments about a person's sex life;
  - Unwelcome sexual flirtations, advances, propositions, requests, or invitations;
  - Persistent unwanted contact;
  - Taking, posting and/or receiving sexually suggestive or explicit photographs of an Individual, including any photograph whatsoever of a Minor outside of a sport setting; or
  - Sexual assault.

## Purpose

1. NSGSC is committed to providing a respectful and safe work and sporting environment. Achieving this environment depends on mutual respect, cooperation and understanding among all Individuals participating in NSGSC activities. NSGSC's objectives in introducing this policy are to prevent disrespectful or harmful conduct, including but not limited to Maltreatment, Harassment, Sexual Harassment and Discrimination, and to provide safe, reliable processes and procedures for resolving Complaints in the event that such conduct does occur. In addition to complying with this policy, all Individuals are expected to comply with the bylaws, rules, regulations, policies and directives of NSGSC and BC Soccer, and with the B.C. Universal Code of Conduct. Non-compliance may result in sanctions pursuant to this policy.

## Application of this Policy

2. This policy applies to all Individuals. All Individuals are expected to refrain from all forms of Maltreatment, Harassment, Sexual Harassment and Discrimination.
3. This policy applies to matters that may arise during the business, activities, and sanctioned events of NSGSC including, but not limited to, competitions, practices, tryouts, training camps, travel associated with organizational activities, and any meetings.
4. This policy also applies to Individuals' conduct outside of the business, activities, and sanctioned events of NSGSC when such conduct adversely affects NSGSC's relationships (and the work and sport environment) or is detrimental, or has the potential to be detrimental, to the image and reputation of NSGSC. Such applicability will be determined by NSGSC at its sole discretion.
5. This policy does not prevent immediate discipline or sanction from being applied as reasonably required.
6. An employee of NSGSC who is a Respondent may also be subject to appropriate disciplinary action per the *NSGSC's then current human resources practices*, as well as the employee's employment agreement, if applicable.

## Consistency with BC Soccer Policies

7. NSGSC is required to abide by BC Soccer's [Discipline, Complaints and Appeals Policy](#) and [Discipline, Complaints and Appeals Operational Procedures](#). Where there is an inconsistency between this policy and any BC Soccer policy or procedure, the latter will take precedence.

## Jurisdiction

8. As per BC Soccer's [Discipline, Complaints and Appeals Operational Procedures](#), "any person or organization reported for misconduct and all allegations of misconduct involving any of the following must be dealt with by a Judicial Body of BC Soccer except as otherwise stipulated herein:
  - i. Any form of excessive physical assault;
  - ii. Language and/or profanity directed at a Match Official;
  - iii. Attempted abuse of a Match Official;
  - iv. Intimidating and/or threatening behaviour;
  - v. Misconduct involving racist or sexist comments;
  - vi. Complaints or inquiries referred to it by another Provincial Association;
  - vii. Misconduct by an Association Official within Members or Affiliated Organizations (even if participating in another capacity);
  - viii. Misconduct at BC Soccer's Provincial or Regional Competitions;
  - ix. Any other matter directly related to BC Soccer which the Judicial Chair of BC Soccer, in their sole discretion chooses to handle.(hereinafter referred to as "**Mandatory BC Soccer Proceedings**")
9. All alleged instances of misconduct that meet the criteria for Mandatory BC Soccer Proceedings that are received by NSGSC will be referred to BC Soccer, which has appointed ITP Sport to receive, triage and resolve Complaints. ITP Sport is an independent organisation charged to ensure transparency, removal of conflict of interest and expertise in handling Complaints, ensuring that participants feel safe in reporting and going through the Complaints process.
10. Additionally, all Complaints that allege Maltreatment against a youth by an adult will be submitted by NSGSC directly to BC Soccer via ITP Sport.
11. Where a Complaint makes allegations that do not engage Mandatory BC Soccer Proceedings and do not entail allegations of Maltreatment against a youth by an adult, but, in the view of the Discipline Chair, *prima facie* amount to a Major Infraction (as defined below), the Discipline Chair may, in their discretion, submit the Complaint directly to BC Soccer via ITP Sport.
12. Where a Complaint makes allegations that do not engage Mandatory BC Soccer Proceedings and do not entail allegations of Maltreatment against a youth by an adult, but involve incidents between NSGSC Individuals and persons connected to another soccer club within the NSYSA, NSGSC will refer the Complaint to NSYSA to address pursuant to any established policies of NSYSA or, in the absence of such policies, directly to BC Soccer via ITP Sport.

13. Where a Complaint makes allegations that do not engage Mandatory BC Soccer Proceedings and do not entail allegations of Maltreatment against a youth by an adult, but involve incidents between NSGSC Individuals and persons connected to another soccer club that is outside the jurisdiction of NSYSA, NSGSC will refer the Complaint directly to BC Soccer via ITP Sport.
14. NSGSC may, on its own volition, initiate a Complaint pursuant to this policy or the policies of BC Soccer when information comes to its attention that a violation of such policies may have taken place. In addition, Complainants may file Complaints directly with BC Soccer via [ITP Sport](#).
15. BC Soccer may, at its discretion, refer a case back to NSGSC if it is deemed appropriate to be handled at the club level.
16. Where NSGSC deems a Complaint to be well-founded, any sanctions implemented will be in line with those described in the Sanctioning Tables set out in Appendix B to this policy.

### **Minor's Representative**

17. Complaints may be brought for or against an Individual who is a minor (a person under the age of majority). Minors must have a parent/guardian or other adult serve as their representative during this process.
18. All communications, as applicable, must be directed to the minor's representative.
19. A minor is not required to attend an oral hearing, if held.

### **Reporting a Complaint**

20. Any Individual may report a Complaint in writing to the NSGSC Discipline Chair. Any Complaint made to a person within NSGSC other than the Discipline Chair will be referred by NSGSC to the Discipline Chair, unless it is apparent that the Complaint is exclusively related to operational decisions of NSGSC or its staff or volunteers.
21. For additional advice, guidance and resources from BC Soccer on how to proceed or intervene appropriately in the circumstances, please visit this [link](#).
22. Individuals may also use this [link](#) to submit anonymous and confidential Complaints to the ITP Sport "Integrity Counts" system, or call 1-800-758-9412.

### **Complaint Process**

23. After receiving the Complaint, the Discipline Chair will:
  - a) If deemed necessary by the Discipline Chair, in its discretion, appoint a third party investigator to determine facts relevant to the Complaint;
  - b) Determine whether the Complaint is frivolous and/or within the jurisdiction of this policy;

- c) Determine whether the Complaint will be referred directly to BC Soccer, via ITP Sport;
- d) Propose the use of alternate dispute resolution techniques, if appropriate; and
- e) Determine which process should be followed, and may use the following examples as a general guideline:

**Process #1 (Minor Infractions)** - the Complaint alleges the following incidents:

- i. Disrespectful or abusive comments or behaviour of a minor nature;
- ii. Disrespectful conduct;
- iii. Minor incidents of violence (e.g., tripping, pushing, elbowing);
- iv. Non-compliance with NSGSC's policies, procedures, rules, or regulations; or
- v. Minor violations of BC Soccer's policies or directives.

**Process #2 (Major Infractions)** - the Complaint alleges the following incidents:

- i. Disrespectful, abusive comments or behaviour of a serious nature;
- ii. Repeated minor incidents;
- iii. Behaviour that amounts to Maltreatment, Harassment, Sexual Harassment and Discrimination;
- iv. Pranks, jokes, or other activities that endanger the safety of others;
- v. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition;
- vi. Conduct that intentionally damages the image, credibility, or reputation of NSGSC;
- vii. Consistent disregard for the bylaws, policies, rules, and regulations;
- viii. Major or repeated violations of the *BC Soccer Code of Conduct*;
- ix. Intentionally damaging the property or improperly handling the organization's monies of NSGSC;
- x. Abusive use of alcohol or cannabis, any use or possession of alcohol or cannabis by minors, or use or possession of illicit drugs;
- xi. Any possession or use of banned performance enhancing drugs or methods;  
or
- xii. A conviction for any *Criminal Code* offense.

22. In making a determination as to whether the allegations alleged Minor or Major Infractions, the Discipline Chair may consider any preliminary investigations in respect of the Complaint. The Discipline Chair also may consider recommendations and advice from ITP Sport if the Complaint has been referred back to NSGSC by ITP Sport.

23. If the Discipline Chair determines the Complaint is frivolous or outside the jurisdiction of this policy, the Discipline Chair will dismiss the Complaint immediately. Additionally, the

Discipline Chair may refer the substance of the Complaint to the executive director for consideration of any dissatisfaction expressed in relation to operational matters.

24. The Discipline Chair's decision to accept or dismiss the Complaint may not be appealed.

**Process #1 (Minor Infraction): Handled by Discipline Chair or designate**

25. All incidents under Process 1 will be dealt with by the Discipline Chair or designate, which designate will usually be the person having authority over the person and situation, e.g. a staff member.

26. Under Process 1, the Discipline Chair or designate will advise the Respondent of the Complaint and provide them with an opportunity to answer the allegations in the Complaint.

27. The Discipline Chair or designate may:

- a) Ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint or incident;
- b) Convene the parties to a meeting, either in person or by way of video or teleconference in order to ask the parties questions; or
- c) Propose alternative dispute resolution techniques, if appropriate.

28. Thereafter, if alternative dispute resolution techniques are not utilised or do not resolve the matter, the Discipline Chair shall determine if a breach occurred, and then, if so, if a sanction should be applied. The Discipline Chair or designate will inform the parties of the decision, which will take effect immediately.

**Process #2 (Major Infraction): Handled by Case Manager**

29. If the Discipline Chair determines that the Complaint should be dealt with under Process #2, a Case Manager will be appointed and the Case Manager will:

- a) Propose the use of alternate dispute resolution techniques, if appropriate;
- b) Appoint the Discipline Panel, if necessary;
- c) Coordinate all administrative aspects and set timelines;
- d) Provide administrative assistance and logistical support to the Discipline Panel as required, and
- e) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

30. The Case Manager will establish timelines that ensure procedural fairness and that the matter is heard. The Case Manager may agree to an extension with notice and reasoning to both the Complainant and Respondent.

31. If the Case Manager proposes the use of alternate dispute resolution (such as facilitation, mediation or a negotiated settlement) to the Complaint, and if the dispute is not resolved, or



if the Complainant and the Respondent refuse to attempt alternate dispute resolution, the Case Manager will appoint a Discipline Panel, which will be either 1 individual or 3 individuals, to hear the Complaint.

32. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the Complaint will be heard. This decision may not be appealed.
33. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:
  - a) The parties will be given appropriate notice of the day, time, and place of the hearing;
  - b) Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all parties, through the Case Manager, in advance of the hearing;
  - c) The parties may engage a representative, advisor, or legal counsel at their own expense;
  - d) The Discipline Panel may request that any other individual participate and give evidence at the hearing;
  - e) The Discipline Panel 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 will place such weight on the evidence as it deems appropriate; and
  - f) The decision will be by a majority vote of the Discipline Panel, if there are three persons on the Discipline Panel.
34. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
35. If a party chooses not to participate in the hearing, the hearing will proceed in any event.
36. If a decision may affect another party to the extent that the other party would have recourse to a Complaint or an appeal in their own right, that party will become a Party to the current Complaint and will be bound by the decision.
37. In fulfilling its duties, the Discipline Panel may obtain independent advice.

## **Decision**

38. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within 14 days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period.

## **Sanctions**

39. The Discipline Panel may apply the disciplinary sanctions, singularly or in combination, in line with the BC Soccer Sanctioning Tables set out in Appendix B to this policy.
40. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately. If the Respondent fails to comply with a sanction as determined by the Discipline Panel, the Respondent will be automatically suspended until such time as compliance occurs.

## **Record of Decisions**

41. NSGSC will submit records of all decisions to BC Soccer as required by the terms of provincial membership. Decision records will be maintained by NSGSC and the applicable adjudicating entity in accordance with their then current privacy practices. Decisions, suspensions, and other sanctions may be subject to publication by BC Soccer in accordance with its rules.

## **Suspension Pending a Hearing**

42. NSGSC may determine that a Complaint is of such seriousness as to warrant suspension of an Individual pending completion of an investigation, criminal process, the hearing, or a decision of the Discipline Panel.

## **Criminal Convictions**

43. An Individual's conviction for a *Criminal Code* offense may be deemed an infraction under this policy and will result in expulsion from NSGSC. *Criminal Code* offences and other serious offences may include, but are not limited to:
- a) Any child pornography offences;
  - b) Any sexual offences;
  - c) Any offence of assault; or
  - d) Any offence involving trafficking of illegal drugs and/or performance enhancing drugs.

## **Confidentiality**

44. The discipline and Complaints process is confidential and involves only NSGSC and the parties outlined in this Policy. Once initiated and until a decision is released, none of the parties will disclose confidential information relating to the discipline or Complaint to any person not involved in the proceedings.

## **Review and Amendment**

45. This policy will be reviewed from time to time and any significant policy amendments will be approved by the Board.

## **Approval**

46. This policy was approved by the NSGSC Board of Directors on April 18, 2023.