



## BC Soccer Policy

<b>Policy Type</b>	Governance Policy
<b>Created</b>	November 2022
<b>Revised</b>	June 2024
<b>Reviewed</b>	Every 2 years
<b>Policy Name</b>	<b>Discipline Complaints and Appeals Policy</b>

### Policy Statement

Individual registrants and participants, Registered 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 misconduct or Maltreatment occurring within BCSA sanctioned soccer related activities and events and any other alleged breaches of governing documents can be reported and managed equitably and fairly. Further, to specify the jurisdiction of BCSA, the function of the judicial bodies and guide member organizations in addressing breaches of BCSA governing documents.

### Standards

1. This Policy applies to all Individual Registrants and all Registered Organizations under the jurisdiction of BC Soccer 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 Registered 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, notwithstanding Standard "3" of a Member Organization shall be handled by that organization's code of conduct and/or applicable policies and procedures.
5. Individual registrants, Registered organizations alleged to have breached the FIFA Laws of the Game, or BC Soccer Governing Documents will have the matter addressed pursuant to the Discipline, Complaint and Appeals Procedures in accordance with the principles outlined in this Policy
6. The sanctions outlined in this Policy and the Discipline Complaints and Appeals procedure, as amended from time to time, 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 sanctions 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. BCSA will ensure the Discipline, Complaint and Appeals procedure is in alignment with the BCSA privacy policy. All information collected as part of the Discipline, Complaints, and Appeals procedure will be handled in accordance with the privacy requirements of BCSA.
9. 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 may be incurred by the individual requiring the interpreter at the discretion of BCSA.
10. Any misconduct considered a crime will be referred to the authorities. All BCSA Judicial proceedings will be held in abeyance until completion of a criminal proceeding. This does not prevent any provisional measure from being applied by BCSA.
11. Any misconduct reported to a higher tribunal or statutory body than BCSA will place the BCSA proceeding in abeyance pending completion of the higher tribunal proceeding. This does not prevent any provisional measure from being applied by BCSA.

#### *Jurisdiction*

1. 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.
2. 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.<sup>1</sup>
  - c. Maltreatment as defined by the BC Universal Code of Conduct, with consideration to the criteria as outlined in the Discipline, Complaint and Appeals procedures as amended from time to time.
  - d. Offenses involving alleged physical assault, attempted physical assault, or threatening behavior or alleged physical contact with Match Officials or attempted physical contact with Match Officials.<sup>2</sup>
  - e. Misconduct by an Association Official within a Members Organization (even if participating in another capacity).
  - f. Violations of the BCSA Governing Documents by a member organization of BCSA.
  - g. All misconduct against Youth by adults that includes but is not limited to:

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<sup>1</sup> For avoidance of doubt, this refers to BCSPL and BC provincial championships.

<sup>2</sup> BCSA recognizes that misconduct towards match officials is common and maintains separate provisions in the Discipline, Complaint and Appeals policy to address misconduct towards match officials. BCSA recognize that offenses involving alleged physical assault, attempted physical assault, or threatening behavior or alleged physical contact with Match Officials or attempted physical contact with Match Officials may be considered Maltreatment. With exception of complaints considered maltreatment, all misconduct towards a match official will be evaluated by the Independent Discipline Chair in the Tier 3 Procedure.

- i. Consuming alcohol or drugs or smoking in proximity to Youth
  - ii. Being under the influence of alcohol or drugs while in the proximity of Youth
  - iii. Threatening remarks to a Youth
  - iv. Improper or unwanted Physical Contact with a Youth
  - v. Coercion, suggesting, facilitating, or demanding Youth to undertake unethical activity or breaks rules
  - vi. Lewd or improper behaviour towards youth or in the proximity of Youth
  - vii. Endangerment of Youth
  - viii. Failure to provide a safe environment for Youth
  - ix. Dissent towards Youth Official
  - x. 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
- h. Any other matter directly related to BC Soccer which the Judicial Body of BC Soccer, in their sole discretion, chooses to handle.
3. All alleged offenses other than those listed above may be dealt with by the Registered Organization in whose jurisdiction the alleged offence took place.
  4. Registered Organizations may only deal with discipline that involves their own members, and that which does not meet/exceed the thresholds listed in Standard 11. Discipline decisions by Registered Organizations regarding egregious acts or Maltreatment may be escalated to BC Soccer. BC Soccer may extend the jurisdictional Sanctions and Suspensions provincially.
  5. 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.
  6. A Judicial Body of BC Soccer or the ITP may, at their discretion, refer a case to the Registered Organization in which the alleged offence took place.
  7. Registered Organizations shall ensure that their disciplinary procedures, Rules and Regulations and Sanctions are consistent with those of BC Soccer.
  8. Registered Organizations are accountable for the behaviours of their players, Officials and spectators and may be sanctioned for misconduct on the part of those persons.
  9. A Registered Organization may refer a misconduct incident to the Judicial Body or ITP of their governing organization.
  10. If the Judicial Body or ITP of their governing organization determines that the referral is valid, it shall handle the case.
  11. If the ITP or Judicial Body of the governing organization determines that the referral is not valid, the case shall be handled by the organization with jurisdiction for that misconduct type.
  12. 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.

#### *Member Organizations and Complaint Referrals*

1. The appropriate member organization may be otherwise unable to manage a complaint for valid and justifiable reasons, such as a conflict of interest, due to a lack of capacity or where the Member

Organization does not have policies in place or jurisdiction to address the Reported complaint. In such circumstances, BSCA has the right to request that a cost-sharing agreement is entered into with the Member organization as a pre-condition to BSCA managing the Reported complaint.<sup>3</sup>

2. Alternatively, BSCA may determine the appropriate member organization may be otherwise unable to manage a complaint due to a conflict of interest, due to a lack of capacity or where the Member Organization does not have policies in place or jurisdiction to address the Reported complaint. In such circumstances, BSCA has the right to take carriage of the complaint and require a cost-sharing agreement be entered into with the Member organization.
3. BC Soccer may extend the jurisdictional Sanctions and Suspensions issued by a member organization provincially. All misconduct of a Member, Affiliated Organization or Association Official must be heard by BC Soccer.

#### *Judicial Body*

1. The Judicial Body is comprised of the following roles:
2. The roles and responsibilities of the Independent Third Party, as described in the Discipline, Complaint and Appeals procedure which may be amended from time to time.
3. The Independent Discipline Chair with the following functions:
4. Assess any failure by an Individual or Registered Organization in completing a sanction and make recommendations to the governing organization on further sanction, discipline, or steps for resolution.
5. Administer the Field of Play Violations Procedure
6. Have the authority to designate a Discipline Chair for a specific BC Soccer Provincial competition.
7. Have the authority to issue, or appoint a designate to issue, without constituting a Panel, automatic sanctions as defined by this Policy.
8. Sanctions may not exceed a three-match suspension, suspension up to two months or fine or bond exceeding \$2,500
9. Have the authority to designate a Discipline Chair for a specific BC Soccer Provincial competition.
10. Reserve the right to investigate the conduct of all persons bound by the BC Soccer Policies even when said persons are not performing their duties, if such conduct is likely to seriously damage the integrity, image or reputation of BC Soccer.
11. The Independent Appeals Chair with the following functions:
12. Review appeal submissions for Field of Play Violations related appeals.
13. Administer the appeals process in accordance with the Discipline, Complaints and Appeals procedure.
14. Any mediator, Discipline panel or adjudicator as solicited by the ITP in accordance with the Discipline, Complaint and Appeals Procedures.
15. The judicial body has the right to recommend provisional or automatic sanctions as defined within sanctions.
16. The judicial body is responsible for reviewing the policy and procedures of BC Soccer

#### *Appeals*

1. 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.
2. 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.

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<sup>3</sup> In the event BSCA assumes jurisdiction of a referred complaint, the Judicial Body and specifically the ITP Officer will determine the appropriate procedure and conduct standard for which the matter will be heard.

### *Natural Justice and Duty to Act Fairly*

1. This Policy and the Complaint, Discipline and Appeals procedure follow the principles of procedural fairness and natural justice aimed to provide individuals and organizations with a fair discipline, complaint and appeal process. This includes a process free of bias, appropriate notice and access to fair hearing(s) as described in the Complaint, Discipline and Appeals procedures, which may be amended.

### *Confidentiality*

1. 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 with exception publicly posted decisions or outcomes, as determined on a case by case basis in accordance with the Discipline, Complaint and Appeals procedures.
2. 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*

1. 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:
2. If the Member of a Judicial Body is associated with any of the parties; or
3. If the member has already dealt with the case under different circumstances.
4. Members of the Judicial Bodies who decline to participate in a meeting on any of the above grounds must notify the Panel immediately.
5. 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 ITP or Chair of the appropriate Panel must decide on any claim of bias or conflict of interest.

### *Independence*

1. The Independent Discipline Chair and Independent 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.
2. The Judicial Bodies make their decisions entirely independently. They shall not receive instructions from any other Judicial Body, and a member of another Judicial Body be privy to the Judicial Bodies' deliberations unless they have been explicitly summoned to attend.
3. The Discipline Chair of a BC Soccer Judicial Proceeding may not act as the Appeal Chair of BC Soccer or participate as an Appeal Panel member of a related or prior Discipline Proceeding.
4. The Appeal Chair of BC Soccer may not act as the Discipline Chair of a BC Soccer Discipline process or participate as a Panel member of the Disciplinary Body for any related Discipline Proceedings.
5. An individual may not serve on a Judicial Body if that individual or an immediate family member is either employed or contracted by, or holds any other official position at BCSA.
6. An individual cannot serve on a Judicial Body if that individual or an immediate family member is associated with the accused.

### *Registered Organization Compliance*

1. 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.
2. Members and Affiliated Organizations shall include, with all decisions, a notice that indicates the following information:
3. Association rules regarding appeals;
4. Association address (electronic or physical) where the appeal is to be lodged;
5. Method of payment and amount of fee;
6. Statement of fact document; and
7. Decisions which may be appealed to BC Soccer
8. Every Affiliated Organization is responsible for the actions of its players, Officials and spectators. Players, Officials, and spectators may only take part in or attend games on condition that they observe BC Soccer Rules and Regulations and policies.
9. Every Affiliated Organization and League is required to take all precautions necessary to prevent its players, Officials, and spectators from threatening or assaulting anyone at games, especially the match officials. Clubs and Leagues are expected to provide security for players and Match Officials.
10. Every Affiliated Organization and League is required to take all precautions necessary to prevent match manipulations

### *Limitation Period for Prosecution*

1. Judicial proceedings must commence:
2. Within one (1) year of the match (for match-related misconduct)
3. 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.
4. Similar acts of misconduct may be considered a second or third offense if they occur within the above-noted timeframes.
5. Allegations of maltreatment, including criminal behaviour, are not subject to a limitation period from BC Soccer.
6. 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.
7. The limitation period is interrupted if the Judicial Body of BC Soccer commences proceedings before it has expired.

### *Limitation Period for Enforcement of Sanctions*

1. The limitation period for the enforcement of Sanctions is up to lifetime or as stated in BC Soccer's Sanctioning Tables or sanctions as outlined in the Discipline, Complaints and Appeals procedure.
2. The limitation period begins on the day on which the decision comes into force.

### *Sanctions*

1. 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, in accordance with the constraints on sanctions as described in Discipline, Complaint and Appeals procedure for the type of case:
2. Verbal 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
3. 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.
4. Education - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the Code
5. Reprimand - A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.
6. 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
7. Suspension - Judicial Bodies may impose a suspension, in addition to the mandatory minimum suspension outlined in the BC Soccer Sanctioning table, 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.
8. Permanent Ineligibility – Judicial Bodies may impose permanent ineligibility of all soccer related activity based on the weight of evidence presented in the case.
9. Return of Awards: The person required to return an award shall return the benefits received, particularly sums of money and symbolic objects (medal, trophy).
10. Other Discretionary Sanctions - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate
11. An Individual's criminal conviction, at any time, for any of the following Criminal Code offenses must carry a presumptive sanction of permanent ineligibility from participating in an Activity and expulsion from BC Soccer:
12. Any offense involving trafficking of illegal drugs or substances
13. Any offense involving child pornography
14. Any sexual offence involving a Minor
15. Any sexual offense other than involving a Minor

16. Any offence of assault involving a Minor
17. Any offence of physical or psychological violence involving a Minor
18. Any sanction in accordance with the BC Soccer Sanctioning Table.
19. An Individual's conviction, at any time, for any of the following Criminal Code offenses may be deemed an infraction under this policy as determined by the ITP Officer and may result in permanent ineligibility from participating in an Activity and expulsion from BC Soccer:
20. Any theft or fraud offence
21. Any offence of assault other than involving a Minor
22. Any offence of physical or psychological violence other than involving a Minor
23. Any additional sanction as deemed appropriate by the Judicial Body to support resolution of the case.
24. Misconduct by adults towards youth 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.

#### *Failure to Respect Decisions*

1. 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.
2. 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.

#### *Fabricated, Malicious, Frivolous or Vexatious Complaints*

1. If it is determined that a Registrant made a report or influenced others to make a report that is fabricated, malicious, frivolous or vexatious, they will be subject to disciplinary action up to and including expulsion. Repeated unfounded reports may in appropriate circumstances be considered fabricated, malicious, frivolous or vexatious and result in disciplinary action, up to and including expulsion.
2. An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not grounds for a Code violation, nor will it necessarily be considered fabricated, malicious, frivolous or vexatious.

#### *Manipulation of Process, Retaliation and Aiding and Abetting*

1. Registrants will be subject to discipline if they directly or indirectly interfering with this policy by: falsifying, distorting, or misrepresenting information, the resolution process, or an outcome attempting to discourage a Registrants' proper participation in or use of this processes harassing or intimidating (verbally or physically) any person involved in the process publicly disclosing identifying information of a Registrant or

individual, without permission failing to comply with any temporary or provisional measure or other final sanction distributing or otherwise publicizing materials a Registrant gains access to during the review process or hearing, except as required by law or as expressly permitted influencing or attempting to influence another person to interfere with or manipulate the process facilitating, promoting, or encouraging the commission of maltreatment.

### *Retaliation*

1. Retaliation is prohibited. It is a violation of this policy to retaliate in any way against a Registrant who have raised a good faith concern or made a bona fide report about alleged or suspected misconduct, or against a witness, investigator, decision maker or other person who has cooperated or participated in the process. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging or participating in this process.
2. Retaliation after the conclusion of the sanction processes is also prohibited. Retaliation may be present even where there is a finding that no misconduct occurred.
3. Any person who experiences such retaliation must immediately report their concern to ITP, Judicial Body or BC Soccer. Disciplinary action will be taken against an Individual who engage in retaliatory conduct, up to and including expulsion.

### *Liability*

1. 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.

### **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, BCSPL 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**

Triage Procedure

Violations of FIFA Laws of the Game and Field of Play violations

Member Organization Violations of BCSA Governing Documents

Major Infraction BC USS Violation Complaint Procedure

Appeals Procedure

## **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-**