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## **VIDEO HEARING PROCEDURES**

**May 2020**

In accordance with direction from Canada Soccer, BC Soccer has suspended sanctioned soccer activity regarding concerns over the spread of COVID-19; in addition to competitions and training, this means that in-person discipline hearings have been suspended/postponed until we are able to resume soccer activities. Any accused parties were initially notified that all discipline hearings would be postponed until soccer activity resumes.

While this suspension of soccer activity is still in place, BC Soccer Judicial will begin offering discipline hearings via videoconference as an option for those awaiting a hearing with BC Soccer's discipline panel. Video hearings will be conducted with Zoom Video Conferencing. In order to minimize further delay, BC Soccer Judicial will be seeking to operate under some adjusted timelines for these video hearings, as outlined in this document, while the suspension of soccer activity is in place. Upon the resumption of soccer activity, BC Soccer Judicial will continue following all timelines as listed in the Judicial Code and Policies of BC Soccer. For definitions of specific terms that may be referred to in this document, please refer to the Judicial Code and Policies of BC Soccer.

Per the [Judicial Code and Policies of BC Soccer](#):

*m. Persons and organizations charged with an offence must have the opportunity to respond to the charges either:*

- i. In person*
- ii. Telecommunication / Video-conference*
- iii. In writing (permission may be granted if the individual is unable to appear for valid reason as determined by the panel and has made a written request for such consideration).*

Conducting video hearings allows BC Soccer to provide a reasonable alternative to those who do not wish to wait for an in-person hearing. BC Soccer Judicial is conscious that this option may not be possible nor preferable to all accused parties, so video hearings are optional.

As always, discipline hearings are a part of the investigative process and individuals required to attend a hearing are not necessarily deemed to have committed misconduct. At a hearing, the discipline panel will determine what sanctions are to be applied, if any.

### **IMPORTANT**

By agreeing to attend a video hearing, parties agree to the following:

1. To accept BC Soccer's judicial timelines and processes as outlined in this document.
2. That their video hearing may be recorded.
3. The discipline panel has the right to set aside video hearings and require an in-person hearing for any such cause they believe warrants it.

### What Is Required for a Video Hearing?

- If accused parties agree to participate in a video hearing, they must have access to a webcam (this can include the camera on a smartphone) and a quiet space. The video camera must be turned on during the hearing such that the party is visible to the discipline panel.
- Video hearings will be conducted over Zoom Video Conferencing. Parties will be required to download the Zoom software before the hearing.
- Try to sit somewhere with a neutral background and decent lighting.
- Any accused party that is under 19 years of age must have a parent/guardian or association official attend the hearing with them.

### Rights of the Accused Party

- All accused parties invited to attend a video hearing will be provided a copy of this document so that they may be aware of the processes and timelines in place for video hearings.
- Accused parties invited to attend a video hearing will receive a minimum of 5 business days' notice of their scheduled hearing in writing.
- A video hearing will be scheduled for all individuals currently waiting for a hearing with BC Soccer's discipline panel. When a video hearing is scheduled, accused parties may:
  - **Agree to attend a video hearing** and confirm attendance at the hearing to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net). Accused parties must confirm attendance at least 2 business days in advance of the scheduled hearing.
  - **Request a postponement of the video hearing** if they are not able to attend on the scheduled date or time. In this case accused parties are requested to provide an alternative date/time that is preferable. Accused parties may request one postponement of their hearing and requests must be made to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) at least 2 business days in advance of the scheduled hearing. An individual who requests to reschedule their hearing more than once may be suspended, at the discretion of the Judicial Chair of BC Soccer, until such time that they attend a hearing.
  - **Request that an in-person hearing be held.** Video hearings are optional, so if accused parties would prefer to wait for an in-person hearing, or if they do not have the requirements to appear at a video hearing, they may make a request to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) to wait for an in-person hearing. At the discretion of the Judicial Chair of BC Soccer an immediate administrative suspension may be placed upon anyone who opts out of a video hearing, pending the outcome of their in-person hearing.
  - **Request a written hearing.** Video hearings are optional, so if accused parties would prefer to have a written hearing, they may make a request to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net). Written hearing procedures will be followed as outlined in the Judicial Code and Policies of BC Soccer. Please be aware that written hearings shall not be permitted for anyone accused of Deliberate Physical Contact or Violent Misconduct towards Match Officials.

- Witnesses may submit written information or appear at the hearing. For video hearings, written reports are preferable, but witnesses may still be permitted to join the video hearing. Witness reports should be submitted to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net). Any requests for a witness to attend a video hearing should be made to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) at least 2 business days in advance of the scheduled hearing.
- Accused parties may have an observer attend the hearing. An observer may not have any active involvement in the hearing and the discipline panel has the ability to deny any individual entrance to the hearing as an observer if they determine that the individual does not meet the definition or purpose of an observer as defined by BC Soccer. Requests to have an observer attend the hearing should be made to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) at least 2 business days in advance of the scheduled hearing and must identify the name of the observer and the relationship.
- Accused parties may have legal representation attend the hearing. If the accused party wishes to have a legal representative at the scheduled hearing, please notify [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) as soon as possible in advance of the hearing. Per the Judicial Code and Policies of BC Soccer, a minimum of 10 business days' notice is required for the attendance of a legal representative at the hearing. At the discretion of the Judicial Chair, the video hearing will be rescheduled for a later date, or an in-person hearing may be required.
- Following the hearing, accused parties will be sent a written record of the discipline panel's decision via email in accordance with the timelines and processes for an in-person hearing, as stated in the Judicial Code and Policies of BC Soccer. The discipline panel may also issue the decision verbally; however, a written record will still be provided.

#### **How to Use Zoom – For Parties attending a Hearing**

1. A Zoom link will be included in your hearing notification letter. Click this link a few minutes before the start your hearing. You will be prompted to download the Zoom software once you click the meeting link (if it is not already downloaded on the device you're using).
2. You do not need a Zoom account in order to attend a video hearing.
3. If you do not have a Zoom account, please enter your name when being given access to the meeting. Anyone other than the accused party attending a hearing (observer, witness, legal representative, etc.) will need to make a request to attend the hearing to [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net) in accordance with the timelines in this document. A request is not required to be made for the attendance of an adult advisor (e.g. a parent in the case of an accused party under 19 years of age).
4. You will be admitted to a virtual waiting room and allowed access to the hearing once the discipline panel is ready for you. In an effort to ensure all parties have the right to a fair hearing and the opportunity to share all pertinent information, please be aware that your hearing may be delayed if the hearing beforehand runs long. If this happens, updates will be provided when possible. We appreciate your patience.
5. If you have any additional evidence/information to submit to the discipline panel, you can send files through the Zoom meeting chat function once you've been admitted to the meeting.

For more information, you may wish to browse through the Zoom tutorials, including *Joining a Meeting*: <https://support.zoom.us/hc/en-us/articles/201362193-How-Do-I-Join-A-Meeting->

### **What Happens During the Hearing?**

The procedures during video hearings will remain the same as an in-person hearing, as outlined in the Judicial Code and Policies of BC Soccer:

- d. The following actions are required by the Panel Chair; however, the sequence may be adjusted:*
- i. The Panel Chair shall read the complaint and clearly state the charge.*
  - ii. The author of the complaint or report (if present) shall be given an opportunity to comment on or to add any qualifications to the complaint.*
  - iii. The accused shall be allowed to ask relevant questions to the complainant (if present) and to make submissions and/or statements on their own behalf.*
  - iv. Panel members may question the complainant and the accused, and any witnesses invited to participate by either the complainant or the accused.*
  - v. The complainant and the accused will be invited to make summary statements before withdrawing.*
  - vi. The panel shall consider the evidence presented and decide the case such that the timeline is met.*

### **The Outcome of the Hearing**

- Any sanctions issued as a result of the video hearing will be in accordance with the Judicial Code and Policies of BC Soccer, including the Sanctioning Tables.
- For match-related infractions (where the expected outcome is 5 matches or less), notice of the outcome should be given within three (3) business days of the completion of the hearing.
- For major infractions, or non-game-related offences, wherein a result of a discipline hearing is withheld, the accused party shall be sent a final determination no later than 30 days following the hearing. A notable exception to this rule is where there is legal or police involvement.
- Extensions to the above timelines can be granted only by the Judicial Chair of BC Soccer.

For questions about video hearings or BC Soccer's judicial processes, please contact BC Soccer Judicial via [discipline@bcsoccer.net](mailto:discipline@bcsoccer.net).