



**BC SOCCER**

**MEMBER ORGANIZATION VIOLATIONS OF BC SA  
GOVERNING DOCUMENTS OR REFERRED  
COMPLAINTS PROCEDURES**

June 2024

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## **Determining Admissibility**

1. Once the complaint is accepted, the ITP Officer will:
  - a. Provide the complaint to the respondent and ask them to submit their response to the allegation(s) within 14 days. In some cases, this deadline may be extended based on the decision of the ITP Officer. This decision may not be appealed.
  - b. Appoint a Dispute Resolution Specialist (DRS). The DRS must be an independent tribunal comprised of one (1) member, established solely for the purpose of adjudicating the infractions brought before it pursuant to this Policy.
  - c. The Dispute Resolution Specialist, in collaboration with the ITP Officer, will determine the appropriate format (Summary or Expanded) for addressing the complaint. The standard format will be a Summary hearing.
    - i. In exceptional circumstances, the DRS may require an expanded hearing, and must provide reasons to the parties and BCSA<sup>1</sup>.
    - ii. The decision on format of hearing by the DRS is not subject to appeal.

## **Referred Complaints**

2. All complaints referred to BCSA and accepted by BCSA, pursuant to the BCSA Discipline, Complaint, and Appeals policy will be processed under this procedure unless otherwise identified by the ITP Officer.
3. The DRS, in collaboration with the ITP Officer will determine the policy or conduct standards of the registered organization that may be applied in addition to the BCSA governing documents.

## **Member Organization Violations of BCSA Governing Documents and By-Law Procedure**

4. The DRS will take all possible steps to address the dispute through Alternative Dispute Resolution, including Mediation, Mediation/Arbitration and Arbitration.
5. If unsuccessful in resolving the matter through Alternative Dispute Resolution, the DRS will decide on the format under which the complaint will be heard. The format may be a documentary hearing (summary proceeding) or oral hearing.

## **Summary Proceeding**

6. Within 10 days of the Appointment of the DRS, the Complainant will provide a brief to both the DRS and the Respondent. The written brief shall be a maximum of 5 pages setting out the Complainant's position on the issues raised in the complaint.
7. The documents the Complainant considers relevant or wishes to rely on will be a maximum of 10 documents and 200 pages. For clarity, a series of connected documents such as a series of emails or a series of letters may be considered one document.
8. Within 15 business days of receipt of the Complainant's brief, the Respondent will provide to both the DRS and the Complainant a written brief. The written brief will be a maximum 5 pages in length which sets out the Respondent's position on the issues contained in the complaint.
  - a. Any documentary evidence that the Respondent wishes to rely on will be a maximum 10 documents and 200 pages.

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<sup>1</sup> BCSA may be considered an affected party in determining the format of hearing due to the additional costs incurred for an expanded hearing. The panel may consider BCSA's position on format of hearing.

- b. For clarity, a series of connected documents such as a series of emails or a series of letters may be considered one document.
9. Within 15 business days of receipt of the Respondent's memorandum the Complainant may submit to both the Arbitrator and the Respondent a reply statement. The maximum length of the reply statement is 5 pages. No further documents may be submitted.
10. Both the Complainant and the Respondent may file up to three cases each that they wish to rely on.

### **Expanded Hearing**

11. For cases requiring an expanded hearing, the DRS will ask the Complainant and the Respondent oral submissions in addition to written submissions regarding the complaint or incident. Both Parties shall also have the right to submit to the DRS, or their designate any relevant evidence, including, but not limited to witness statements, documentary evidence or evidence from other media (i.e., photos, screenshots, videos, or other recordings)
12. In the case of oral submissions, each Party shall be present when such submissions are made (unless waived by a Party); and/or
13. Following receipt of the Parties' submissions, the DRS may convene the Parties to a meeting, either in person or by way of video or teleconference to ask the Parties questions and to allow the Parties to ask questions of one another.

### **Member Organization Violations of BCSA Governing Documents and By-Laws Finding and Decision**

14. Following their review of the submissions and evidence related to the complaint, the DRS shall determine if any of the incidents alleged above have occurred and, if so, determine whether to impose a sanction and, if so, determine the appropriate sanction.
15. If, after hearing the Parties and reviewing their submissions, the DRS considers that none of the incidents alleged above have occurred, they shall dismiss the complaint.
16. The DRS will inform the Parties of the decision, which shall be in writing and include reasons.
17. The DRS decision will take effect immediately, unless specified otherwise by the DRS.
18. Should the circumstances require a decision to be rendered immediately or within a short timeline, the DRS may render a short decision, either orally or in writing, followed by a written reasoned decision.
19. Any decision rendered by the DRS shall be provided to and maintained in the records of the relevant affiliated organization, Member, and BCSA. Decisions will be kept confidential by the Parties and the aforementioned organizations and shall be retained and discarded in accordance with the relevant and applicable privacy legislation.
  - a. Decisions under the procedure may only be published if deemed necessary and appropriate at the sole discretion of the DRS.

### **Member Organization Violations of BCSA Governing Documents and By-Laws Sanctions**

20. The Dispute Resolution Specialist (DRS) may apply the following disciplinary sanctions or complaint resolution recommendations, singularly or in combination:
  - a. Complaint Resolution Recommendation
    - i. Further mediation or conflict facilitation between parties.
    - ii. Requirement or recommendation to adjust future practices, policies and

procedures.

b. Sanctions:

- i. 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
- ii. 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.
- iii. Education - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s) of the Code
- iv. Reprimand - A reprimand is an official written pronouncement of disapproval sent to the perpetrator of an infringement.
- v. 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
- vi. 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.
- vii. Return of Awards: The person required to return an award shall return the benefits received, particularly sums of money and symbolic objects (medal, trophy).
- viii. 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

## **Member Organization Violations of BCSA Governing Documents and By-Laws Request for Reconsideration**

21. If the DRS decides not to impose a sanction on the Respondent, the Complainant may request a reconsideration from the DRS by informing them in writing, within five (5) days of receiving the decision, that they are not satisfied with the decision and explaining why.
22. If the DRS imposes a sanction, the Respondent may request a reconsideration from the DRS by informing them in writing, within five (5) days of receiving the decision, that they are not satisfied with the decision.
23. In the Request for Reconsideration, the Complainant or Respondent must indicate:
  - a. Why the sanction is inappropriate;

- b. All evidence to support the Respondent's position; and
  - c. What outcome or sanction (if any) would be appropriate.
24. Upon receiving a Request for Reconsideration, the DRS shall render a decision within seven (7) days explaining whether they have accepted the Request for Reconsideration and, if so, their new decision.
25. The DRS's new decision may be appealed in accordance with the Appeal Policy; however, no party shall have a right to appeal unless they have exhausted their right to request a reconsideration pursuant to the Request for Reconsideration procedure.

## **Costs**

26. At the discretion of the Judicial Body, Associated costs may be required to be paid by the unsuccessful party.
27. If there is no unsuccessful party, costs are borne by the Association hearing the case.
28. If considered fair to do so, costs may be split among several parties.
29. The Chair of the Judicial Panel may, in exceptional circumstances, decide to curtail or dispense with costs and expenses, including the Appeal's fee.
30. No procedural compensation care awarded in proceedings of a Judicial Body
31. Any cost incurred by applications for leave to appeal that are deemed baseless by the Appeal Chair of BC Soccer must be paid for by the appellant.