



**BC SOCCER**

## **TRIAGE PROCEDURES**

June 2024

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## Introduction

The Triage procedures outlines the reporting requirements, jurisdiction considerations and complaint and discipline mechanisms for administering complaints submitted to the ITP for BCSA.

## Application

1. The BC Soccer Complaint and Discipline Procedures include three (3) mechanisms for administering complaints that are admissible by the BC Soccer Association. The BC Soccer Association will address:
  - a. Complaints or inquiries referred to it by another Provincial Association
  - b. Discipline at competitions and events directly managed and organized by BC Soccer.
  - c. Maltreatment as defined by the BC Universal Code of Conduct, with consideration to the criteria as outlined in this Triage Procedure as amended from time to time.
  - d. Offenses involving alleged physical assault, attempted physical assault, threatening behaviour, attempted physical contact, or alleged physical contact with Match officials
  - e. Misconduct by an Association Official within a Member 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:
    - 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.
    - 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
  - h. Any other matter directly related to BC Soccer which the Judicial Body of BC Soccer, in their sole discretion, chooses to handle
2. All alleged offenses other than those listed above may be dealt with by the Registered Organization in whose jurisdiction the alleged offence took place
3. Complaints alleging maltreatment, and specifically violations of the BC Universal Code of Conduct by an individual or member organization will be addressed as Major Infraction Complaint with exception of cases that include the following criteria, solely or in combination, at the discretion of the ITP officer:
  - a. Single incident behaviour;
  - b. Alleged behaviour that occurred within the field of play and did not escalate beyond the field of play;
  - c. Alleged behaviour that occurred between individuals of similar power balance;
  - d. The incident did not impact further participation for any party, excluding provisional measures;
4. Complaints alleging BCSA Rules and Regulations or bylaw violations will be addressed by the Violation of BCSA Governing Documents Procedures
5. Complaints alleging violations of the FIFA Laws of the Game, or that meet the jurisdiction in Paragraph 1 during any BCSA hosted competitions, or BCSPL games and do not proceed a Major Infraction complaint may be heard as a Field of Play Violation complaint.

6. Referred cases, as approved by BCSA, will be addressed using the Violation of BCSA Governing Documents Procedure unless otherwise determined by the ITP Officer. This decision may not be appealed.

## **Reporting a Complaint**

7. All complaints must be reported directly to the ITP. If a complaint is communicated to BCSA, the Complainant will be immediately redirected to the identified reporting mechanism. Once a complaint is submitted to the reporting mechanism, BCSA will have no further involvement in the management of the complaint.
8. Individuals are expected to report all complaints as soon as possible and no later than 14 days after experiencing or witnessing the interaction, incident, event, or situation of concern. The ITP may at their own discretion decide to extend the reporting deadline based on the review of the information provided to them. This decision is not appealable.
9. Anonymous complaints may be accepted at the sole discretion of the Case Manager. However, anonymous complaints are strongly discouraged as non-criminal offences are generally impossible to address without the involvement of the Complainant.
10. All complaints must be reported using one of the following methods:
  - a. Online Form: <https://www.integritycounts.ca/org/itpsport>
11. An adult Individual who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must immediately make a report of the suspected abuse to the local authorities and advise ITP on their submission.

## **Alternative Dispute Resolution (ADR)**

12. The ITP Officer will make every effort to offer Alternative Dispute Resolution to the parties, and ensure the complainant has a copy of the Alternative Dispute Resolution policy.
13. BC Soccer supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy investigation, hearings, and appeals.
14. Individuals are encouraged to explain to the person who is showing signs of maltreatment or misconduct that the conduct is unwelcome but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the maltreatment, or to safety risks, Individuals should not be expected to have to directly interact with that person. If an Individual feels they can safely make it known to the person responsible that the behavior is unwelcome, of course this may resolve the matter, or may help them later if they make a complaint.
15. It is encouraged for all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. BC Soccer believes that negotiated settlements are most often preferable to arbitrated outcomes.
16. Registered Individuals and Organizations are encouraged to mediate to resolve the dispute ahead of proceeding to a discipline process. The following principles apply for any mediated settlement as part of a BCSA Discipline, Complaint and Appeals admissible complaint that attempts a negotiated settlement ahead of proceeding to a discipline process:

- a. Should a negotiated settlement be reached, the settlement must be reported to all parties involved and to ITP, to be shared with BC Soccer. Any actions that are to take place as a result of the decision must be enacted on the timelines specified by the negotiated decision, pending approval.
  - b. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.
  - c. A non-disclosure agreement (NDA) or any other confidentiality provision entered as part of a negotiated settlement may not prevent the publication by a PSO or other applicable sport organization of sanctions on registries such as the Participant Abuse-Free Sport Sanctions Registry or NSO database.
  - d. NDAs may not be entered into if a complaint involves allegations of sexual Maltreatment, grooming and boundary transgressions unless such an agreement:
    - i. is the expressed wish and preference of the Complainant(s);
  - e. includes an opportunity for the Complainant(s) to decide to waive their own confidentiality in the future and the process for doing so;
    - i. aligns with the principles of the BC UCC;
    - ii. is of a set and limited duration; and
    - iii. does not adversely affect:
      - 1. the health or safety of a third party, or
      - 2. the public interest
  - f. Any NDA in a Complaint involving allegations of sexual Maltreatment, grooming and boundary transgressions must be reviewed and approved by the Mediator. The Mediator may, at their sole discretion, approve, reject, or propose amendments to an NDA. Any decision by the Mediator to approve, reject, or propose amendments to an NDA may not be appealed.
17. Should a negotiated settlement not be reached, the case may proceed to a formal complaints process.

## **ITP Officer Responsibilities**

18. Upon the submission of a complaint through the designated mechanism, an ITP Officer will be appointed by the ITP to oversee the management and administration of the complaint in accordance with the BCSA Procedure(s). Such an appointment is not appealable.
19. The Case Manager has a responsibility to:
- a. Determine whether the complaint falls within the jurisdiction of the BCSA and the scope of this policy;
  - b. Assess and identify whether it is a Major Infraction, Governing Document Violation, Field of Play Violation or Appeal and indicate the designated procedure within each Tier to the parties.
    - i. The Case Manager, in assessing the file can request evidence, further information or witness statements in order to determine the type of complaint and appropriate jurisdiction.
    - ii. The Case Manager may request the affiliated Member or Affiliated organization provide further information or evidence.<sup>1</sup>

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<sup>1</sup> Per the BCSA Discipline, Complaint and Appeals policy, Registered Organizations are required to participate in Discipline, Complaint, and Appeal processes. It is recognized Registered Organizations may have relevant and pertinent

- iii. The Case Manager may consult the appropriate Judicial Body for the purposes of the assessment.
  - c. Determine if procedural adjustments or considerations are required where the parties are minors<sup>2</sup>.
  - d. Determine if the alleged incident must be investigated;
  - e. Assess if the complaint is frivolous, vexatious or if it has been made in bad faith; and
  - f. Determine whether to combine complaints into a single disciplinary process, if there are multiple individuals submitting complaints against the same Respondent for allegations of a similar nature or occurrence in time.
  - g. Determine if a provisional measure is to be recommended to BSCA.
  - h. Determine if the matter is to be held in abeyance due to a criminal proceeding or proceeding by a higher tribunal or statutory body<sup>3</sup>.
20. If the Case Manager dismisses a complaint, the Case Manager's reasoning for this dismissal will be provided to the Complainant, and the complaint will be dismissed immediately.
21. The ITP Officer's decision to accept or dismiss the complaint may not be appealed.

## **Provisional Measure**

22. BCSA may determine that an alleged incident is of such severity as to warrant the imposition of a Provisional Suspension of a Respondent pending completion of an investigation, criminal process, or Discipline process, including this Triage process.
23. The Case Manager, upon the receipt of a complaint, may make non-binding recommendations to BCSA regarding an immediate Provisional Suspension or interim measures for a Respondent if no such restrictions have been imposed by the BSCA, or member organization. Any such recommendations are not subject to appeal<sup>4</sup>.
24. BCSA will communicate this decision to the parties involved and to other Individuals, Member Organizations, PTSOs, and Soccer Canada as it sees necessary to protect the wellbeing of its members.
25. Any Respondent against whom a Provisional Suspension or interim measure is imposed may make a preliminary request to the case manager to have the Provisional Suspension or interim measure lifted or adjusted. Provisional Suspensions or interim measures shall only be lifted or revised in circumstances where the Respondent establishes that it would be manifestly unfair to maintain the Provisional Suspension or interim measures against them.
26. When a judicial body has been appointed, the case manager will direct the preliminary request to have the Provisional Suspension or interim measure lifted or adjusted to the judicial body.

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information, or may be involved in supporting the parties in coming to resolution. Registered Organizations who are aware of a complaint process are expected to comply with all confidentiality and privacy provisions of the BCSA Discipline, Complaint, and Appeals policy.

<sup>2</sup> In all cases involving minors, the ITP and appointed panel will make every effort to expedite the Discipline process.

<sup>3</sup> The ITP has sole discretion to determine if the matter in whole, or in part, will be held in abeyance pending a criminal proceeding or proceeding by a higher tribunal or statutory body. For the avoidance of doubt, any allegation in front of a criminal proceeding or higher tribunal or statutory body must be held in abeyance. It is the complainant's responsibility to indicate which aspects of their complaint may not be in front of a criminal proceeding or higher tribunal / statutory body. The decision of the ITP Officer may not be appealed.

<sup>4</sup> See Paragraph 25 for Request for Reconsideration

27. Any decision not to lift a Provisional Suspension or interim measure shall not be subject to appeal

## **Notification of Complaint to Member Organizations**

28. The Case Manager or ITP may notify the club, league or district of a complaint to request contact information of the parties, confirm disciplinary action at the club, league or district level has not ensued, and involve where appropriate, the club, league or district liaison in notification of the matter.

## **Investigation Procedure**

29. In exceptional circumstances, the ITP Officer may determine that a reported incident requires further investigation by an independent third-party investigator.
30. If an investigation by a third-party investigator is required, the ITP Officer will appoint the investigator that is skilled in investigating similar cases.
31. The Investigator must not be in a conflict-of-interest situation and should have no connection to the complainant, respondent, or BC Soccer.
32. The investigation may take any form as decided by the investigator, guided by any applicable Federal and/or Provincial legislation.
33. Upon completion of their investigation, the investigator must prepare a report that includes a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of Page probabilities, the allegation/s are substantiated.
34. All parties must cooperate fully in the review or the potential investigation and resolution of the complaint. If a respondent attempts to circumvent the process by failing to respond to a complaint in a thorough or timely fashion or at all, or if the complainant or/and the respondent refuse to participate in the review or third-party investigation process, the ITP Officer nonetheless must proceed based on the information made available to them by the complainant and any witnesses interviewed/investigated as part of the process.
35. The ITP Officer retains the discretion of whether to share the full investigation report with the parties. However, in every case reasoning for the decision will be shared with the complainant and respondent, and any other individual deemed appropriate. This decision may not be appealed.