



**BC SOCCER**

# **MAJOR INFRACTION/BC UCC VIOLATION COMPLAINT PROCEDURE**

June 2024

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## **Determining Admissibility**

1. In the event a complaint is accepted as a Major Infraction / BC UCC Violation Complaint, the ITP Officer will 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 or revised based on the decision of the ITP Officer. This decision may not be appealed.

## **Major Infraction/BC UCC Violation Discipline Panel**

2. The ITP will appoint a Discipline Panel as follows:
  - a. The Discipline Panel must be an independent tribunal comprised of one (1) – to three (3) members, established solely for the purpose of adjudicating the infractions brought before it pursuant to this Policy. In the event where there are three members, the ITP Officer will appoint one (1) of the Discipline Panel’s members to serve as the Chair.
  - b. The Discipline Panel will decide on the format under which the complaint will be heard. This decision may not be appealed. 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 in the manner the Discipline Panel deems appropriate in the circumstances, provided that:
    - i. If the case is involving minors, the Discipline Panel will make every effort to expedite the case and attempt to resolve via Alternative Dispute Resolution.
    - ii. The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium
    - iii. Copies of any written documents which the parties wish to have the Discipline Panel consider will be provided to all Parties, through the ITP Officer, in advance of the hearing
    - iv. The Parties may engage a representative, advisor, or legal counsel at their own expense.
    - v. The Discipline Panel may request that any other individual participate and give evidence at the hearing
    - vi. The Discipline Panel can allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but can exclude such evidence that is unduly repetitious, and must place such weight on the evidence as it deems appropriate.
    - vii. If it is a panel of three (3) members, the decision will be by a majority vote.
    - viii. After hearing the matter, the Discipline Panel will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be.
    - ix. The Discipline Panel will issue a written decision, including reasons for distribution by the ITP Officer to the Respondent, the Complainant, and BC Soccer.
    - x. The decision will be considered a public record, unless determined otherwise by the Discipline Panel

## **Major Infraction/ BC UCC Violations Sanctions**

3. Prior to determining sanctions, the Discipline Panel will consider factors relevant to determining appropriate sanctions which include:
  - a. Whether either party is a minor. Maltreatment towards minors is considered an aggravating factor.
  - b. The nature and duration of the respondent's relationship with the complainant, including whether there is a power imbalance, or the respondent is a person in authority.
  - c. The respondent's prior history and any pattern of inappropriate behaviour or maltreatment.
  - d. The ages of the individual involved.
  - e. Whether the respondent poses an ongoing and/or potential threat to the safety of others.
  - f. The respondent's voluntary admission of the offense(s), acceptance of responsibility for the violation of the Code, and/or cooperation in the process.
  - g. Real or perceived impact of the incident on the complainant and/or BC Soccer and its Member Organizations
  - h. Circumstances specific to the respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this Policy; addiction; disability; illness).
  - i. Respondent who is a person in authority or otherwise in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions.
  - j. Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
4. The Discipline Panel may apply the disciplinary sanctions as referenced in the Discipline, Complaints and Appeals Policy.
5. 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 an expulsion from BC Soccer:
  - i. Any offense involving trafficking or illegal drugs or substances
  - ii. Any offense involving child pornography
  - iii. Any sexual offense involving a minor
  - iv. Any sexual offense other than involving a Minor
  - v. Any offense of assault involving a Minor
  - vi. Any offense of physical or psychological violence involving a Minor.
- b. 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 Discipline Panel and may result in permanent ineligibility from participating in an Activity and expulsion from BC Soccer
  - i. Any theft or fraud offense
  - ii. Any offense of assault other than involving a Minor
  - iii. Any offense of physical or psychological violence other than involving a Minor
- c. Any additional sanction as deemed appropriate by the Judicial Body to support the resolution of the case.
6. The above sanctions are representative penalties only, that they may be modified to fit the circumstances of the infraction, and that they are presented generally in order of severity.
7. Unless the Discipline Panel decides otherwise, any disciplinary sanctions (such as period of ineligibility) will begin immediately and timelines will be provided for fulfillment of other sanctions (such as a written apology), notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in an automatic suspension until such time as compliance occurs.
8. Records of all decisions will be maintained by the ITP and available to BC Soccer

## Costs

1. At the discretion of the Judicial Body, associated costs may be required to be paid by the unsuccessful party.

2. If there is no unsuccessful party, costs are borne by the Association hearing the case.
3. If considered fair to do so, costs may be split among several parties.
4. The Chair of the Judicial Panel may, in exceptional circumstances, decide to curtail or dispense with costs and expenses, including the Appeal's fee.
5. No procedural compensation care awarded in proceedings of a Judicial Body
6. 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.