

Section 43 | Formal Complaints Policy

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Formal Complaints Policy

1.1 Definitions

1.1.1 The following terms have these meanings in this Policy:

- a) *“Association”* – **HOLLANDIA SOCCER CLUB**
- b) *“Canada Soccer Discipline Code (CSDC)”* – The disciplinary processes Canada Soccer and its members follow when the FIFA Laws of the Game, Canada Soccer Code of Conduct and Ethics, Canada Soccer Rules and Regulations, Canadian Anti-Doping Policy, FIFA Anti-Doping Regulations and any/all Canada Soccer Competition Regulations are breached.
- c) *“Case Manager”* – An individual appointed to oversee the management and administration of a formal complaint.
- d) *“Complainant”* – The party filing the complaint
- e) *“Days”* – Days including weekends and holidays
- f) *“Entity”* – Organizations such as clubs, zones, community associations, teams, etc., that fall under the authority of the **HOLLANDIA SOCCER CLUB**
- g) *“Governing Body”* – The organization that has the authority to manage a judicial process as per the policies of the governing body. Governing body may refer to Canada Soccer, Saskatchewan Soccer, **HOLLANDIA SOCCER CLUB** or clubs/zones or entities that are members of the **HOLLANDIA SOCCER CLUB**
- h) *“Judicial Body”* – An individual adjudicator or panel of adjudicators organized to manage formal complaints resulting in dispute resolution, discipline and/or appeals.
- i) *“Judicial Process”* – The processes undertaken to manage formal complaints, discipline, dispute resolution and/or appeals
- j) *“Legal Person”* – A human or non-human entity that is treated as a person as it relates to formal complaints.
- k) *“Match Official/Referee”* – Individuals who perform as referees, assistant referees, 4th officials, referee administrators, referee assignors, referee supervisors, referee mentors, referee leads, referee instructors and referee assessors during sanctioned soccer activities.
- l) *“Members”* – All members defined by the **HOLLANDIA SOCCER CLUB’s** Bylaws and for the purposes of this policy shall also include parents, guardians and caregivers of individual members and spectators at SSA events and SSA sanctioned competitions.
- m) *“Natural Person”* – An individual as it relates to formal complaints. Terms referring to natural persons are applicable to all gender expressions. Any term in the singular applies to the plural and vice-versa.
- n) *“Organizer”* – Anyone performing an activity connected with soccer at the **HOLLANDIA SOCCER CLUB**, regardless of title, type of activity (administrative, sporting or any other) and duration of the activity. Includes all directors, officers, committee members, coaches, trainers, match officials, diversity officers, persons in charge of safety, and any other person responsible for technical, medical and/or administrative matters, members, clubs or leagues, as well as all other persons obliged to comply with the **HOLLANDIA SOCCER CLUB**, SSA and Canada Soccer by-laws regardless of whether they are paid or volunteers.
- o) *“Parties”* – The complainant, respondent, and any other members, persons, or organizations affected by the judicial process
- p) *“Respondent”* – The Party named in the complaint
- q) *“SSA”* – Saskatchewan Soccer Association

1.2 Purpose, Scope of Application & Jurisdiction

- 1.2.1 The Formal Complaints Policy, as a guiding document, along with the *Discipline, Dispute Resolution, Conflict of Interest, and Appeals* policies and procedures:
- a) Specify the organization, procedures and functions of the judicial processes of the Association.
 - b) Describe the judicial processes the Association, its directors, and clubs/zones/entities will follow when the FIFA Laws of the Game, **HOLLANDIA SOCCER CLUB Code of Conduct and Ethics**, rules and regulations, Saskatchewan Soccer Anti-Doping Policy, and any/all **HOLLANDIA SOCCER CLUB** competition regulations are breached.
 - c) These policies apply to every match and competition organized by **HOLLANDIA SOCCER CLUB** and to breaches of the FIFA Laws of the Game, **HOLLANDIA SOCCER CLUB** by-laws, rules and regulations, *Code of Conduct and Ethics*, and policies and directives in force. It also applies to any breach of **HOLLANDIA SOCCER CLUB** by-laws, rules and regulations and policies that do not fall under the jurisdiction of any other body.
 - d) Jurisdiction
 - i. Refer to Saskatchewan Soccer's *Formal Complaints Policy* for FIFA and Canada Soccer's jurisdictions, respectively.
 - ii. SSA shall have jurisdiction with respect to disputes between parties where the disputes involve SSA and its members.
 - a All complaints related to violent conduct, physical assault or attempted physical assault of a match official or organizer, as defined in Article 1.6, are under the jurisdiction of SSA.
 - iii. **HOLLANDIA SOCCER CLUB** will have jurisdiction to manage judicial processes relating to:
 - a Any registered club/zone/entity or individual under **HOLLANDIA SOCCER CLUB**.
 - b Any other matter not described herein that falls within the jurisdiction of **HOLLANDIA SOCCER CLUB**.
 - e) This Policy will NOT apply to decisions relating to:
 - i. Membership status members within the Association, which is under the authority and jurisdiction of the **HOLLANDIA SOCCER CLUB** Board of Directors.
 - ii. Violations of the Association's policies and procedures, or directives, which reside within the authority and jurisdiction of the Board of Directors.
 - iii. Dismissal of a volunteer - all volunteers, with the exception of elected directors, serve at the will of the organization and can be removed from service for any reason, at any time, with or without rationale, and without a judicial process being conducted.
 - iv. Minor infractions/single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, **HOLLANDIA SOCCER CLUB**, its members, or the sport. Procedures for dealing with minor infractions may be informal and will be determined at the discretion of the person in authority.
- 1.2.2 The **HOLLANDIA SOCCER CLUB** is committed to providing an environment in which all members are treated with respect.
- a) Membership in the Association, as well as participation in its activities, brings many benefits and privileges. At the same time, members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Association's policies, bylaws, directives, rules and regulations, and *Code of Conduct and Ethics*.
 - i. Irresponsible behaviour can result in severe damage to the integrity of the Association.
 - ii. Conduct that violates these values may be subject to sanctions pursuant to this policy.

- 1.2.3 **HOLLANDIA SOCCER CLUB** and its clubs/zones/entities:
- a) Is responsible for the safety of and proper conduct of its players, officials, and spectators.
 - b) Is required to take all precautions necessary to ensure all games and soccer related activities provide a safe and harassment free experience for all.
 - c) Takes all precautions necessary to prevent match manipulations.
 - d) Has policies, procedures, rules and regulations which address game abandonment due to spectator misconduct and team official misconduct.
- 1.2.4 **HOLLANDIA SOCCER CLUB** provides members with the mechanism outlined in this and related policies so that complaints are handled fairly, expeditiously, and affordably.
- 1.2.5 This policy does not prevent discipline from being applied, during a game or event, according to the Association's *Event Discipline Procedure*. Further sanctions may be applied according to this policy.

1.3 Methods of Resolution

- 1.3.1 As applicable and depending on the nature of the complaint, judicial processes may be resolved through the *Discipline Policy* or the *Dispute Resolution Policy*.
- 1.3.2 During the implementation of the *Discipline Policy* and upon the consent of the parties, any matter may be referred to the jurisdiction of the *Dispute Resolution Policy* and may return to the jurisdiction of the *Discipline Policy* upon the request of a party.

1.4 Filing a Formal Complaint

- 1.4.1 For all judicial processes:
- a) If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a party to the complaint in question and will be bound by the decision.
- 1.4.2 The complaint should include:
- a) A completed formal complaints form, which provides a concise summary of the incident along with reference to which policy has been breached, the complainant's name and contact information, the identity of the respondent(s), and the date, time, and location.
 - b) The match official's report or special incident reports, if any, as applicable.
 - c) Witness statements to support the complaint.
 - d) Any other report, information, or evidence that would support the complaint.
- 1.4.3 Complaints shall be directed to:
- a) Email: president@hollandiasoccer.ca (preferred), or
 - b) Mail
Hollandia Soccer Club
PO Box 25103
Saskatoon, SK S7K 8B7
- 1.4.4 Except as outlined in the *Event Discipline Procedure*, any member may report any complaint to the Hollandia Soccer Club. Such a complaint shall be filed within fourteen (14) days of the alleged incident, with the exception of ongoing/accumulated harassment.

- 1.4.5 The decision to accept, or not accept, a formal complaint will be at the sole discretion of **HOLLANDIA SOCCER CLUB**. This decision may not be appealed.
- 1.4.6 Anonymous complaints may be accepted at the sole discretion of **HOLLANDIA SOCCER CLUB**.
- 1.4.7 At **HOLLANDIA SOCCER CLUB's** discretion, the Association may act as the complainant and initiate the complaint process under the terms of this policy. In such cases, the Association will identify an individual to represent them.
- 1.4.8 In all cases of mistaken identity of an accused individual, as a result of a team list error, or other irregularities, it is the responsibility of the complainant to properly identify the offending party; failure to do so may result in discipline.

1.5 Case Manager

- 1.5.1 **HOLLANDIA SOCCER CLUB** will appoint a case manager to oversee management and administration of complaints submitted in accordance with this policy and such appointments are not appealable.
- 1.5.2 The case manager is not required to be a member of the Association. The case manager has an overall responsibility to ensure procedural fairness is respected at all times, and to implement this policy in a timely manner. More specifically, the case manager has a responsibility to:
 - a) Be independent, but in fulfilling their duties, the case manager may obtain independent advice and gather information relevant to the management of the complaint in whatever format and by whatever means they deem necessary.
 - b) Determine whether the complaint is substantive and within the jurisdiction of this policy.
 - i. If the complaint is not substantive or is deemed to be frivolous, vexatious or outside the jurisdiction of this policy, the complaint will be dismissed immediately.
 - ii. The case manager's decision to accept or dismiss a complaint may not be appealed.
 - c) Determine the appropriate procedure
 - d) Appoint the judicial body, if necessary
 - e) Coordinate all administrative aspects of the complaint
 - f) Provide administrative assistance and logistical support to the judicial body, as required
 - g) Provide any other service or support that may be necessary to ensure a fair and timely proceeding
 - h) Manage and secure all information related to the complaint and decision.
- 1.5.3 The case manager will keep the parties informed of all relevant details of the judicial process.
- 1.5.4 Complaints occurring within an event will be dealt with according to the *Event Discipline Procedure* with the exception of alleged assault of a match official or organizer or misconduct of a match official.

1.6 Assault of a Game Official or Organizer

- 1.6.1 Assault is defined as attempted deliberate physical contact or deliberate physical contact, or attempted violent conduct or violent conduct (e.g. striking, kicking, spitting, etc.) and/or verbal or physical threats toward a match official or organizer.

- 1.6.2 In such circumstances, the complainant (match official and/or organizer) shall provide:
- a) Notice of the incident, along with a preliminary report of the assault, within 48 hours of the alleged assault to **HOLLANDIA SOCCER CLUB**.
 - b) A completed formal complaint form, along with documentation to support the complaint, to **HOLLANDIA SOCCER CLUB** within 3 days of the alleged assault.
- 1.6.3 **HOLLANDIA SOCCER CLUB** shall promptly contact SSA to provide the initial report and support the formal complaint process thereafter, as required.
- 1.6.4 SSA shall have jurisdiction of the complaint and shall notify related parties and the respondent(s) of their immediate and indefinite suspension, from all soccer-related activities, pending the outcome of the judicial process.
- a) SSA may also, at its discretion, accept jurisdiction for other related infractions that have occurred prior to or following such an incident.

1.7 Suspension Pending a Hearing

- 1.7.1 Misconduct, including but not limited to the following, may result in a suspension from all soccer-related activities pending the outcome of the judicial process:
- a) Actions by an adult that put the safety of a minor at risk including, but not limited to, physical, sexual or emotional abuse
 - b) Actions that bring the game into serious disrepute
 - c) Assault of a match official or organizer
 - d) Misconduct of a match official
 - e) Criminal investigations and/or convictions for a criminal offense
 - f) Participating while not registered.
- 1.7.2 In all cases where the safety of a minor is in question, the guidelines of Saskatchewan's Child Abuse Protocol and other applicable provincial acts shall also be adhered to:
- a) The accused shall be immediately removed from ALL interaction with minors (including transporting minors) and all involvement in soccer as a spectator, organizer/volunteer, match official, or team personnel.
 - b) The duty to report suspected child abuse ultimately overrides any duty to protect the privacy of the accused, however, the complaints and allegations, in and of themselves, are not facts; to protect the rights and reputation of all parties to the complaint it is required that all parties maintain confidentiality until the judicial and legal processes (if any) are complete; willful breaches of confidentiality, by any parties to the complaint, may be subject to discipline.
- 1.7.3 In the case that alleged misconduct results in a suspension from all soccer-related activities pending the outcome of the judicial process, SSA must be notified prior to the suspension being issued.

1.8 Criminal Investigations and Convictions

- 1.8.1 In cases where the respondent has been charged or is under investigation by the police, the case manager will consider the circumstances of the complaint and determine, at their sole discretion, if a judicial process will proceed or whether the judicial process shall be delayed until the legal process is concluded; if delayed, any suspension pending a hearing shall remain in effect.

- 1.8.2 An individual's conviction for any of the following Criminal Code of Canada offenses, or any other domestic or international criminal statute, may result in expulsion from SSA and/or removal from SSA's competitions, programs, activities and events, without a hearing or decision of a judicial body, at the sole discretion of SSA:
- i. Child abuse or child pornography offences
 - ii. Sexual offences
 - iii. Offence of physical or psychological violence
 - iv. Offence of assault
 - v. Offence involving trafficking of illegal drugs.
- 1.8.3 A pardon is a government decision to allow a person who has been convicted of a crime to be free and absolved of that conviction as if never convicted.
- a) An individual who has been expelled from soccer based on a criminal conviction and who has received a pardon may apply for reinstatement.

1.9 Minors

- 1.9.1 In the event that a party is less than 18 years of age, they must be accompanied by a parent or guardian or their authorized representative. The parent/guardian/caregiver or authorized representative of the parent/guardian/caregiver may speak on behalf of the party during a hearing.
- 1.9.2 After consideration of the nature of the complaint, should there be concerns for the safety of a minor their participation may be excused, at the discretion of the judicial body, and their representative may attend to speak on their behalf.

1.10 Confidentiality, Records and Distribution of Decisions

- 1.10.1 The judicial process is confidential and involves only the parties, the case manager, the judicial body, and any independent advisors to the judicial body.
- 1.10.2 Infractions that result in discipline, as well as decisions of any appeals, shall be recorded and maintained by the Association.
- a) Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.
- 1.10.3 Decisions and appeals are matters of public interest and shall be publicly available with the names of the parties redacted.
- a) Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.
 - b) The judicial body may determine that disclosing the party's identity would unduly violate the party's privacy and may decide that the decision, or part of the decision, shall be kept confidential.

1.11 Appeals Procedure

- 1.11.1 Decisions reached in accordance to the *Discipline Policy* may be appealed in accordance with the *Appeals Policy*.

1.12 Legal Action & Liability

- 1.12.1 Liability - Except in the case of gross negligence, neither the case manager, the members of the judicial bodies of SSA, nor may the directors or staff of ASSOCIATION or SSA be made found liable for any deeds or omissions relating to any judicial process.