

Discipline, Complaints, and Appeals Policy (version 1)

Version History

Version	Date	Changes made
1	April 17, 2023	None

Policy Statement

Individual registrants, participants, Members, Board Members, Volunteers and Officials are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Kootenay East Soccer Association bylaws, rules and regulations, policies and directives. Irresponsible behavior by Individuals or groups can result in damage to the integrity of KESA. Conduct that breaches any governing documents may be subject to sanctions pursuant to this Policy.

Purpose

To ensure that any irresponsible behavior or conduct occurring whether on the field of play or off, while representing the Club and any other alleged breaches of governing documents, can be reported and managed equitably and fairly. This Policy aims to provide individuals and groups with a fair hearing. All individuals and groups have the right to:

- a) A process free of bias: the members of the Discipline Committee and will remain unbiased, in that they are impartial and unprejudiced, and are reasonably perceived to be unbiased;
- b) Prior notice: advance access to relevant information that identifies the allegations and contains sufficient information for accused parties to respond to the allegations and participate meaningfully in the decision-making process.
- c) Fair hearing: the accused party is afforded a timely and reasonable opportunity to participate in the hearing, and may either represent themselves, or be represented by a person of their choosing and the members of the Discipline Committee genuinely consider the accused party's submissions in making their decision.

Standards

1. This Policy applies to all Individual Registrants, Members, Board Members, Volunteers and Officials with KESA when engaged in any soccer-related activities, whether on the field of play or off, while representing the Club.
2. Discipline action may only be taken against an Individual Registrant, Members, Board Members, Volunteers and Officials of KESA, or attempted misconduct, occurring at the time of the incident and cannot be retroactively charged for incidents prior to registration of such person or organization.
3. Notwithstanding Standard "2" any person acting as a Team Official, Administrator or Match Official shall be considered an Individual Registrant regardless of whether he/she has registered to do so.
4. Any misconduct, or attempted misconduct, by an unregistered individual will be handled by KESA's code of conduct and/or applicable policies and procedures.
5. Individual registrants, Members, Board Members, Volunteers and Officials alleged to have breached the FIFA Laws of the Game, BC Soccer Rules and Regulations, KESA Soccer Bylaws, Rules & Regulations, Policies or directives has three options:
 - a) Accept guilt and accept sanctions, without a hearing;
 - b) Accept guilt and request a hearing; or
 - c) Dispute guilt and request a hearing.
6. The sanctions outlined in KESA policy and procedure represent the minimum that may be imposed by KESA Soccer. KESA shall not incorporate sanctions within the disciplinary rules that fall outside BC Soccer's Policies.
7. All involved groups or individuals are required to cooperate with a request for information from the KESA Board when responding to a complaint
8. KESA Soccer may, if necessary, use the services of an interpreter, all fees associated with doing so will be incurred by the individual requiring the interpreter.
9. Video tape evidence is acceptable in most cases. Video tape evidence that simply seeks to show errors made by a Match Official will be ruled out of order and not considered.

Jurisdiction

10. Any person or group reported for misconduct and all allegations of misconduct involving any of the following shall be dealt with by the KESA Board.
11. KESA shall have direct jurisdiction in the following matters involving its Individual registrants, Members, Board Members, Volunteers and Officials:
 - a) Complaints or inquiries referred to it by another Regional Association;
 - b) Discipline at competitions and events directly managed and organized by KESA Soccer;
 - c) Any form of excessive physical assault;
 - d) Language and/or profanity directed at a Match Official;
 - e) Attempted abuse of a Match Official;
 - f) Intimidating and/or threatening behavior;
 - g) Misconduct involving racist or sexist comments;
 - h) Misconduct by an Association Official within Members or Affiliated Organizations (even if participating in another capacity),
 - i) Conduct unbecoming;

- j) Abuse of authority in a situation of a power imbalance; and
 - k) Any other matter directly related to KESA that the Board chooses to handle.
12. KESA may, at the discretion of the Board, refer a case to BC Soccer, the Kootenay Rockies Youth Soccer Association, or the Affiliated Organization in which the alleged offence took place.
 13. Egregious acts can be referred to BC Soccer for hearing and bear provincial Sanctions.
 14. All reports of misconduct received in writing (physical or electronic) of an Individual registrant, Members, Board Member, Volunteer and Official shall be heard by the KESA Board.
 15. KESA may, at the discretion of the Board authorize an approved third party to hear any misconduct cases on their behalf.

Appeals

16. Individual Registrants, Members, Board Members, Volunteers and Officials, the Accused or Victim of the accused who is directly affected by a decision will have the right to Appeal the decision to KESA in accordance to KESA procedures or to the next higher Governing Organization, provided there are sufficient grounds for the appeal.
17. No action or legal proceeding will be commenced against KESA in respect of a dispute, unless KESA has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in KESA's governing documents.

Confidentiality

18. Members of the Discipline Committee will ensure that everything disclosed to them during the course of their work, including but not limited to the facts of the case and the contents of their deliberations remains confidential. Where misconduct may be considered a crime, it will be referred to the police.
19. Proceedings will be closed to individuals who are not named parties, Advisors or Representatives.

Conflict of Interest

20. Members of the KESA Board must decline to participate in any Discipline Committee activity concerning a matter in which they are in a real or perceived conflict of interest
21. The parties subject to any proceeding before a Discipline Committee can also raise an objection to a member of a Discipline Committee hearing the case whom they believe to be biased or in a conflict of interest. The Chair of the KESA Board will have final approval on members of the Discipline Committee.

Misconduct Against Youth By Adults

22. KESA Discipline Committee may either hold their own hearings or redirect complaints to the Judicial Chair of BC Soccer or the Kootenay Rockies Youth Soccer Association.
23. Where misconduct may be considered a crime, it will be referred to the police.

Limitation Period for Prosecution

24. Proceedings must commence:

- a) Within one (1) year of the match (for match-related misconduct)
- b) Within two (2) years of the infringement for non-match-related misconduct including anti-doping violations, or two (2) years from the date KESA becomes aware of the misconduct. In the event of serious misconduct, the KESA can extend these timelines.

Limitation Period For the Enforcement of Sanctions

25. The limitation period for the enforcement of Sanctions is up to lifetime or as stated in BC Soccer's Sanctioning Tables.

26. The limitation period begins on the day on which the decision comes into force.