

Swift Current Soccer Association



FORMAL COMPLAINTS POLICY

Effective: Sept 10, 2018

Part 1 INTRODUCTION

Section A PURPOSE

Members of the SCSA are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the SCSA’s policies, bylaws, directives, rules and regulations, and Code of Conduct. Conduct that violates these values may be subject to sanctions pursuant to this Policy.

Section B AUTHORITY

SCSA staff and/or volunteers involved, act as agents of the Board, and shall be responsible for all formal complaints referred to it under the jurisdiction of the SCSA.

The following situations may be heard through the SCSA Formal Complaints Process. In all cases the formal complaint must be accompanied by sufficient documentation to support a case.

- Accusations of Unequal Treatment
- Potential Violation of SCSA Bylaws
- Potential Violations of SCSA Policies and Procedures
- Accusations of Harassment
- Potential Breaches of the SCSA Code of Conduct
- Accusations of Racism/Discrimination/Bias

Where the SCSA has made a determination for a case in any of the above noted situations, the SCSA may sanction, fine, suspend or expel a member from the SCSA.

SCSA Board Members and staff are considered agents of the SCSA and cannot be named in a formal complaint unless they are acting independent of and outside their duties of the organization.

The SCSA formal complaints process operates independently of the Board and its Directors.

In all cases where a person has been charged criminally as a result of soccer activities, or where there is a criminal investigation, the SCSA may suspend that member pending the outcome of the investigation/criminal action.

Section C JURISDICTION

See Saskatchewan Soccer Association Policies and Procedures Manual, Section 4.

Part 2 REPORTING A COMPLAINT

Any member may report any complaint to the SCSA for items already listed under Section B. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident, with the exception of ongoing/accumulated harassment.

- A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation.
- Anonymous complaints may be accepted at the sole discretion of the SCSA.

At the SCSA's discretion, the SCSA may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the SCSA will identify an individual to represent the SCSA

Section D SUBMISSION PROCESS

All formal complaints are to be submitted to the SCSA President who will review the complaint and appoint a staff member to act as Case Manager.

The complaint should include:

- The complete report(s) which identifies the respondent,
- The Incident Report (including date, time, location and any other relevant information)
- The Game Official's Report, if any or applicable
- Any other report or evidence to support the complaint

Section E CONDITIONS ON ACCEPTING A COMPLAINT

It is the role of the President to determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. He/she must also determine whether or not the complainant has produced enough documentation to make a case. If the Executive Director determines the complaint unacceptable, the complaint will be dismissed immediately. This decision may not be appealed.

- If the complaint was considered frivolous or vexatious, it may not be re-submitted.
- If it was determined that there was a lack of documentation, the Executive Director may advise the complainant to re-submit or engage the Special Investigations Process. The resubmission timeline is at the discretion of the Executive Director but cannot go past an additional 10 days.

In the case that the complaint is against the SCSA, the SCSA will forward the complaint onto the Discipline Committee who will take on the role of President and Case Manager as outlined in this Policy.

Part 3 FORMAL COMPLAINTS PROCESS

The SCSA will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.

Should a the formal complaint move forward, the Case Manager shall review all documentation submitted during the document gather process in accordance with Section F, and determine the proper procedure under Section G of this Policy in consultation with the President and identify and appoint an independent reviewer or panel.

Section F DOCUMENT GATHERING PROCESS

Document gathering process shall occur BEFORE the Case Manager determines a method of resolution under Part 3 of this Policy.

All parties will be provided with all documentation and correspondence. Including the original complaint, both parties shall have two opportunities to provide documentation.

1. Case Manager notifies the respondent of the complaint and provides all submitted documentation and provides them with timelines and opportunity to respond.
2. Case Manager provides respondent's response to the original complainant and provides them with timelines and opportunity to respond.
3. Case Manager provides the respondent with the complainant's response and provides timeline and opportunity to respond.
4. Case manager provides respondent's second response to the complainant. However, the complainant MAY NOT respond.

If the respondent does not dispute the complaint, the Case Manager will appoint an independent reviewer or panel to decide upon sanctions.

Section G METHODS OF RESOLUTION

A Formal Complaint can be resolved in the following ways:

1. Dispute Resolution

This process to be conducted in accordance with SSA's Dispute Resolution Policy – Policies and Procedures Manual – Section 6.

2. Independent Hearing

With the exception of timelines, this process is to be conducted in accordance with Section K of the SCSA Discipline Policies and Procedures. Any and all timelines will be at the discretion of the Case Manager.

3. Independent Review / Panel Review

The Case Manager shall notify the Parties that the complaint that the matter shall be dealt with through independent Review/Panel.

The Case Manager will identify and appoint an individual or panel, to hear the complaint. If a panel is appointed, it shall consist of no less than three members. All documentation gathered in accordance with Section F shall be forwarded to the individual/panel.

The panel shall review the documentation in advance, and discuss at an in-person meeting. The decision of the panel shall be delivered in writing within seven days of the decision.

Section H DECISION DOCUMENT

The decision of any method of resolution must be delivered within seven days of the proceedings and include:

- Summary of each party's position and relevant documentation
- Discussion of supporting factors
- Discussion of mitigating factors Discussion
- Conclusions, Sanctions, Recommendations
- Any Relevant Timelines

Section I POTENTIAL SANCTIONS

All sanctions imposed are binding to the all parties involved. Sanctions may include but are not limited to:

- Verbal or written reprimand from the SCSA to one of the Parties
- Verbal or written apology from one Party to the other Party
- Service or other voluntary contribution to the SCSA
- Removal of certain membership privileges
- Suspension from certain teams, events, and/or activities
- Suspension from all the SCSA's activities for a designated period of time
- Temporary Expulsion from the SCSA
- Lifetime Expulsion from the SCSA
- Withholding of prize money or awards
- Payment of the cost of repairs for property damage
- Suspension of funding from the SCSA or from other sources
- Referral to SCSA Discipline
- Any other sanction considered appropriate for the offense

Note: The Canadian Soccer Association prohibits the imposition of fines for youth players (any player under the age of 18)

Part 4 CONCLUDING TERMS

Section J MINORS

In the event that a Party is less than 18 years of age, he/she must be accompanied by a parent or legal guardian or their authorized representative. The parent or legal guardian or authorized representative of the parent or legal guardian may speak on behalf of the Party during a hearing.

Section K CONFIDENTIALITY

The complaints and resolution process is confidential and involves only the Parties, the Case Manager, the Adjudicator/Panel, and any independent advisors to the Adjudicator/Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Section L RECORDS AND DISTRIBUTION OF DECISIONS

Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.

Section M APPEALS PROCEDURE

Decisions reached may be appealed in accordance with the SCSA's Appeal Policy.

Any negotiated decision reached in accordance to the Dispute Resolution Policy will be binding on the parties. Negotiated decisions may not be appealed.

Section N LEGAL ACTION

As stated in the SCSA Bylaws, no action or legal proceeding will be commenced against the SCSA or its Members, unless the SCSA has refused or failed to provide or abide by its formal complaints processes and only after all rights of appeal and all rights and remedies have been exhausted. Refer to Bylaws for full details.

