



POLICIES AND PROCEDURES

**Formal Complaints Policy**

Effective: November 2016

# 1 Formal Complaints Policy

## 1.1 Definitions

- 1.1.1 The following terms have these meanings in this Policy:
- a) *“Complainant”* – The Party filing the complaint
  - b) *“Days”* – Days including weekends and holidays
  - c) *“Governing Body”* – It refers to the organization that has the authority to manage a formal complaint per the policies of the Governing Body. Governing Body may refer to the Canadian Soccer Association, SSA, VSA or Member Organizations, Clubs/Zones or Entities
  - d) *“Members”* – All Members defined by VSA Bylaws and for the purposes of this policy shall also include parents of Individual Members and spectators at VSA events and VSA sanctioned competitions
  - e) *“Parties”* – The Complainant, Respondent, and any other Members, persons, or organizations affected by the complaint
  - f) *“Respondent”* – The Party named in the complaint
  - g) *“SSA”* – Saskatchewan Soccer Association
  - h) *“VSA”* – Valley Soccer Association

## 1.2 Purpose

- 1.2.1 The VSA is committed to providing an environment in which all Members involved with the VSA are treated with respect. Membership in the VSA, 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 VSA’s policies, bylaws, directives, rules and regulations, and *Code of Conduct and Ethics*. Irresponsible behaviour by Members can result in severe damage to the integrity of the VSA. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, the VSA provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.
- 1.2.2 VSA Member Organizations are responsible to ensure that their Formal Complaints Policy is consistent with this Policy. As such, the VSA recommends that Governing Bodies adopt similar processes as described within this Policy or adopt this Policy with the substitution of ‘VSA’ with the name of the Governing Body.
- 1.2.3 In the event that VSA Member Organizations do not have similar processes or policies, the VSA policies will be deemed adopted.

## 1.3 Methods of Resolution

- 1.3.1 As applicable and depending on the nature of the complaint, formal complaints may either be resolved through:
- a) The Discipline Policy,
  - b) Misconduct of a Game Official Procedure, or the
  - c) The Dispute Resolution Policy - Furthermore, during the implementation of the Discipline Policy and upon the consent of the Parties, any matter may be referred to the jurisdiction of the VSA’s Dispute Resolution Policy and may return to the jurisdiction of the Discipline Policy upon the request of a Party.

- 1.3.2 The Formal Complaints Policy **will NOT apply** to decisions relating to:
- a) Membership status of Regular and Associate Members within the VSA which is within the authority and jurisdiction of the VSA Board of Directors.
  - b) Attempts to circumvent the VSA Bylaws and/or Membership Policies and Procedures or directives which may result in sanctions (fines, temporary suspension of membership privileges and/or good standing) which is within the authority and jurisdiction of the board of directors.
    - i. Except for 1.3.2 a), the Board of Directors, at their sole discretion, shall have authority to direct matters to be managed under the Formal Complaints Policy. This decision is not subject to appeal.

## 1.4 Jurisdiction

- 1.4.1 The VSA will have jurisdiction and the Formal Complaints Policy will apply to matters of:

### *On-Field Conduct*

- a) Misconduct involving alleged physical or verbal assault of a game official.
- b) Misconduct by a game official.
- c) Repeated dismissals.
- d) Misconduct involving harassment.

### *Off-Field Conduct*

- e) Misconduct according to the VSA's *Code of Conduct and Ethics*.
- f) Misconduct according to the VSA's *Conflict of Interest Policy*.
- g) A breach of VSA rules, regulations, bylaws, policies or procedures or directives (except as noted in 1.3.2).
- h) Any other complaint accepted by the VSA per their discretion.
- i) Other complaints deemed to violate the principles of VSA Policies.
- j) Misconduct of a Member Organization board of directors and representatives.

- 1.4.2 Regular and Associate Member Organizations will have jurisdiction to manage formal complaints relating to:

- a) Any registered entity or individual under the jurisdiction of that organization.
- b) Any other matter not described herein that falls within the jurisdiction of the Member Organization.
- c) Any registered individual members within their organization.

- 1.4.3 Entities, described below, will have jurisdiction to manage formal complaints:

- a) As per the policies of their Governing Organization and/or Governing Member Organization.
- b) Tournament Committees may have jurisdiction over discipline during a Sanctioned Tournament.
- c) Club/Zones may have jurisdiction over Individual Members and Teams.
- d) Referee Associations may have jurisdiction over their Individual Members, except as noted in 1.4.1.
- e) Teams may have jurisdiction over their Individual Members.
- f) Academies may have jurisdiction over their Individual Members.

- 1.4.4 Complaints arising within the business, activities or events organized by entities other than the VSA will be dealt with pursuant to the policies of those other entities unless requested and accepted by the VSA at its sole discretion.

## 1.5 Application of this Policy

- 1.5.1 This Policy applies to all Members and Governing Bodies.

- 1.5.2 The Policies of Governing Bodies apply equally to all games (completed or abandoned) and other sanctioned soccer activities on and off the field.
- 1.5.3 This Policy does not prevent discipline from being applied, during a game or event, according to the VSA's *Tournament Discipline Procedure*. Further sanctions may be applied according to this Policy.
- 1.5.4 All Governing Bodies will have in place, at a minimum, policies, procedures, rules and regulation which address game abandonment due to spectator misconduct and team official misconduct.

## 1.6 Reporting a Complaint

- 1.6.1 Except as outlined in the *Tournament Discipline Procedure*, any Member may report any complaint to the VSA. Such a complaint must be reported on the VSA Formal Complaint Form and signed, and must be filed within fourteen (14) days of the alleged incident, with the exception of ongoing/accumulated harassment. Anonymous complaints may be accepted at the sole discretion of the VSA. The Complaint should include:
  - a) The complete report(s) which identifies the Respondent;
  - b) The Incident Report (including date, time, location and any other relevant information);
  - c) The Game Official's Report, if any or applicable; and,
  - d) Any other report or evidence to support the complaint.
- 1.6.2 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. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of the VSA. This decision may not be appealed.
- 1.6.3 At the VSA's discretion, the VSA may act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, the VSA will identify an individual to represent the VSA.
- 1.6.4 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 Member Organization and/or Entity to properly identify the offending party.
- 1.6.5 At the discretion of the Case Manager (see 1.10), all complaints shall first be addressed in collaboration with the Member Organization. The case manager will act as facilitator.

## 1.7 Reporting Assault of a Game Official

- 1.7.1 Assault of a Game Official will be defined at a minimum as physical contact or attempted physical contact, violent contact or attempted violent conduct (e.g. striking, striking with a ball or object, kicking, spitting, etc.), verbal abuse (e.g. issuing threats, personally insulting remarks etc.) or threatening action or behaviour.
- 1.7.2 All incidents involving alleged assault of a Game Official, the following information must be submitted to the VSA within 5 days of the incident, unless such timeline is extended by the VSA at its sole discretion:
  - a) Game Official's Report.
  - b) Any other report(s) filed either directly with the VSA or with a Governing Body holding jurisdiction over the event at which the incident took place.

- 1.7.3 The VSA shall notify the Respondent and the Governing Body in jurisdiction over the entity with whom the Respondent is ordinarily registered, that the Respondent will be immediately and indefinitely suspended from all soccer-related activities pending a hearing.
- 1.7.4 In cases where the Respondent has been charged in a criminal court, the VSA Discipline process shall proceed in accordance with the relevant VSA policies.

## **1.8 Suspension Pending a Hearing**

- 1.8.1 Any Member charged with assault of a game official, shall be immediately suspended from all soccer-related activities under the jurisdiction of the VSA & SSA until the matter has been heard and decided.
- 1.8.2 The Director (or his/her Designate) may determine that an alleged incident is of such seriousness as to warrant suspension of an individual pending a hearing and the decision of the Adjudicator/Panel.

## **1.9 Criminal Convictions**

- 1.9.1 An individual's conviction for any of the following *Criminal Code* offenses will be deemed a major infraction under this Policy without a hearing or decision of an Adjudicator/Panel and will result in expulsion from the VSA & SSA and/or removal from the competitions, programs, activities and events upon the sole discretion of the SSA:
  - a) Any child pornography offences
  - b) Any sexual offences
  - c) Any offence of physical or psychological violence
  - d) Any offence of assault
  - e) Any offence involving trafficking of illegal drugs

## **1.10 Case Manager**

- 1.10.1 The VSA will appoint a Case Manager to oversee management and administration of complaints submitted in accordance with this Policy and such appointment is not appealable.
- 1.10.2 The Case Manager is not required to be a member of the VSA but may include the VSA President, Executive Director, or Member Services Administrator. The Case Manager has an overall responsibility to ensure procedural fairness is respected at all times in this Policy, and to implement this Policy in a timely manner. More specifically, the Case Manager has a responsibility to:
  - a) Determine whether the complaint is frivolous or vexatious and within the jurisdiction of this Policy. If the Case Manager determines the complaint is frivolous or vexatious or outside the jurisdiction of this Policy, the complaint will be dismissed immediately. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
  - b) Determine the appropriate procedure.
  - c) Appoint the Adjudicator/Panel, if necessary.
  - d) Coordinate all administrative aspects of the complaint.
  - e) Provide administrative assistance and logistical support to the Adjudicator/Panel as required.
  - f) Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
  - g) The Case Manager will inform the Parties of the procedure to be utilized.

- 1.10.3 Any infractions or complaints occurring within competition will be dealt with according to the VSA's *Tournament Discipline Procedure*, except Referee Assault or Referee Misconduct. In such situations, sanctions will be for the duration of the competition, training, activity or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy.

## **1.11 Minors**

- 1.11.1 If 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.

## **1.12 Confidentiality**

- 1.12.1 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.

## **1.13 Records and Distribution of Decisions**

- 1.13.1 Minor and major infractions that result in discipline, as well as decisions on any appeals, shall be recorded and maintained by the VSA.
- 1.13.2 Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.
- 1.13.3 Decisions and appeals are matters of public interest and shall be publicly available with the names of the Members redacted. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed. The Adjudicator/Panel may determine that disclosing the person's identity would unduly violate the person's privacy and may decide that the decision, or part of the decision, shall be kept confidential.
- 1.13.4 First offence minor infraction complaints shall include, as a minimum, a mandatory review and acknowledgement of the Code of Conduct by the offender. Dependent on the severity other such discipline may be applied.
- 1.13.5 "He said, she said" complaints shall include a mandatory review and acknowledgement of the Code of Conduct by both parties. In those situations, it shall be mutually agreed upon that the situation was not handled appropriately. In the spirit of good sportsmanship and as positive role models to the community, both parties must agree to move forward with a greater understanding of the VSA Code of Conduct policy.

## **1.14 Appeals Procedure**

- 1.14.1 Decisions reached in accordance to the *Discipline Policy* may be appealed in accordance with the VSA's *Appeal Policy*.
- 1.14.2 Any negotiated decision reached in accordance to the *Dispute Resolution Policy* will be binding on the parties. Negotiated decisions may not be appealed.

## **1.15 Legal Action**

- 1.15.1 No action or legal proceeding will be commenced against the VSA or its Members, unless the VSA 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.