



Discipline Policy

Preamble

Port Moody Soccer Club (the “Club”) members, team officials, executive, referees, parents, players, and spectators will, at all times, conduct themselves in a manner that reflects the highest standard of behaviour when conducting business, or participating in Club activities or events. Individuals who fail to meet these standards will be subject to disciplinary sanctions in accordance with the following Policy.

Disciplinary procedures and sanctions shall align with the BC Soccer Association Discipline Sanction Policy.

Introduction

1. The provisions herein concern the process for the discipline of Club Members, as referred to in Parts 4 and 5 of the Bylaws (the “Discipline Process”).

1. The provisions herein are to be read in conjunction with the Club’s Code of Conduct. In the event of any inconsistencies between the two documents, the provisions herein govern.

Definitions

1. In this Policy, in addition to the definitions in the Bylaws, unless the context requires otherwise, in alphabetical order:
 - a. **Adjudicator** means the person who has conduct of the Discipline Proceedings and makes decisions regarding Interim and Final Sanctions
 - b. **Board** means the Board of Directors of the Club
 - c. **Complainant** means the person who reports an event or events which may result in a Discipline Matter
 - d. **Complaint** means a report, whether in oral or written form, regarding the facts underlying a Discipline Matter
 - e. **Days** means days of the week including weekends and all statutory holidays
 - f. **Director** means a director of the Club
 - g. **Discipline Matter** means an event(s) which gives rise to an investigation
 - h. **Discipline Proceedings** means the process of the discipline of the person after the referral of the Discipline Matter to the Adjudicator
 - i. **Dispute Body** means the entity which receives the Notice of Complaint, and, if necessary, orders an investigation
 - j. **Executive Director** means Executive Director of the Club
 - k. **Hearing** means the forum in which the Discipline Proceedings are decided
 - l. **Hearing Request** means a request from the Respondent for access to a Hearing via Discipline Proceedings
 - m. **Investigation** means the investigation into the Discipline Matter before the referral of the Discipline Matter to the Adjudicator
 - n. **Investigation Report** means the report the Investigator prepares at the conclusion of their investigation
 - o. **Investigator** means the person who has conduct of the investigation

- p. **Notice of Complaint** is a form, created by the Club, which sets out the particulars of the Complaint and, when completed by or on behalf of the Complainant, is submitted to the Dispute Body
- q. **Respondent** means the Club Member who is the subject of the Discipline Matter
- r. **Sanctions:**
 - i. **Consent Sanction** means a penalty agreed to by a Respondent
 - ii. **Discipline Sanction** means a penalty imposed on a person as a result of a Discipline Matter
 - iii. **Emergency Sanction** means a Discipline Sanction that is imposed initially by the Dispute Body before receipt of an Investigation Report
 - iv. **Initial Sanction** means a Discipline Sanction that is imposed initially by the Dispute Body after receipt of an Investigation Report
 - v. **Interim Sanction** means a Discipline Sanction that is imposed by the Adjudicator until the conclusion of the Discipline Proceedings
 - vi. **Final Sanction** means a Discipline Sanction that is imposed by the Adjudicator at the conclusion of the Discipline Proceedings
- s. **Staff Member** means a person paid by the Club in relation to soccer-related activities.

Roles within the discipline process

1. The Complainant, or someone on their behalf, completes a Notice of Complaint.

1. The Dispute Body is to receive the Notice of Complaint. The Dispute Body is to consider the nature of the Complaint and decide how to proceed. The Dispute Body may decide to dismiss the Complaint, refer the Complaint to the Investigator, and/or impose an Initial Sanction. After receiving an Investigation Report, the Dispute Body may decide to impose a Discipline Sanction. The Dispute Body's members are appointed by the Board, but it is independent of the Board. All such appointments are to be free of conflicts of interest.

1. The Investigator is to be engaged by the Dispute Body if the Dispute Body decides that an Investigation is required. The Investigator is to conduct the Investigation, and then submit their Investigation Report to the Dispute Body. The Investigator is to be appointed by the Dispute Body. The Investigator cannot be a Board member or Staff Member of the Club but can be a member of the Club. It is contemplated that an Investigator is not a permanent position, and Investigators can be appointed on an *ad hoc* basis. All such appointments are to be free of conflicts of interest.

1. The Adjudicator is to decide the Discipline Matter via the Discipline Proceedings. The Adjudicator is appointed by the Board but is independent of the Board. In addition, the Adjudicator cannot be an ex-Board member, nor can they be a Staff Member of the Club. The Board may appoint as many Adjudicators as is necessary to properly decide Discipline Matters. All Adjudicators are to be appointed to three-year terms. All such appointments are to be free of conflicts of interest.

Initial steps

1. If a person believes that an event has occurred which has contravened one or more the Club's conduct rules, that person may report the matter to the Club. They may do that to any Director or Staff Member either orally or in writing (the Complaint) or via a Notice of Complaint. If the Complaint is made to either a Director or Staff Member, that person must direct the person making the Complaint to the Notice of Complaint form. If the person chooses to make a Complaint, they must do so within 14 days of the subject event. Further, all Notices of Complaint must be completed and submitted to the Dispute Body within 21 days of the subject event(s). If the person does so, they become a Complainant. The Dispute Body has the discretion to waive or extend the time period noted in this section.

1. The Dispute Body must acknowledge receipt of the Notice of Complaint by notifying the Complainant of receipt of the Notice of Complaint.

1. Within three days of receipt of a completed Notice of Complaint, the Dispute Body must inform the Executive Director of the Notice of Complaint. Thereafter, the Executive Director must promptly inform the Board of the Notice of Complaint.

1. At the Club's discretion, it may, via an appointee, act as a Complainant. In that event, the notice provisions in relation to Complainants herein (part 10) would not apply.

1. The Dispute Body must consider the Complaint as set out in the Notice of Complaint and, within seven days of receipt of the Notice of Complaint, decide to either:
 - a. Dismiss the Complaint, with or without notice to either the Complainant or Respondent, or
 - b. Refer the Discipline Matter to an Investigator to conduct an Investigation

1. If the Dispute Body decides to dismiss the Complaint, it may provide reasons for its decision.

1. If the Dispute Body refers the Matter to an Investigator, and it considers that the Matter warrants an Emergency Sanction before the Investigation is complete, it may impose one on the Respondent by giving the Respondent oral or written notice of the Complaint and Investigation, and the details of the Emergency Sanction. In providing notice to the Respondent under this section, the Dispute Body has the discretion to withhold the identity of the Complainant, if, in the Dispute Body's opinion, disclosing that information to the Respondent would pose a risk to the safety of the Complainant.

1. An Emergency Sanction must only be used in extreme circumstances when the safety of one or more individuals is under threat. As a guide to all parties, it is likely that an Emergency Sanction will only be resorted to when there is also police involvement.

Investigation

1. Subject to section 12, upon receipt of the Notice of Complaint, the Dispute Body may refer the Discipline Matter to the Investigator. If the Dispute Body so decides, it must provide:
 - a. Written notice to the Complainant of the referral to an Investigator,
 - b. Written notice of the Complaint and Investigation to the Respondent, with enough detail to allow a reasonable person to understand the nature of the allegations against them:
 - i. If the Complainant's evidence is not central to the allegations against the Respondent, the Board may withhold the Complainant's identity, or
 - ii. If the Complainant's evidence is central to the allegations against the Respondent, only in extraordinary circumstances may the Board withhold the Complainant's identity

1. The Investigation must be complete, and the Investigation Report submitted to the Dispute Body within seven days of the referral to the Investigator. The Dispute Body has the discretion to waive or extend the time period noted in this

section.

1. In conducting the Investigation, the Investigator must make reasonable efforts to gather all relevant information in relation to the Discipline Matter. As part of the Investigation, the Investigator may request documents and contact witnesses. The Investigator may appoint one or more assistants to assist with the Investigation.

1. During the Investigation, the Investigator and their assistants are only to reveal information necessary to accomplish their immediate task.

1. All Club members have a duty to cooperate with the Investigation.

Initial decision and sanction

1. The Dispute Body must consider the Investigation Report, and, within seven days of receipt of the Investigation Report, make a decision to either:
 - a. Dismiss the Complaint, with notice to both the Complainant or Respondent, or
 - b. Impose an Initial Sanction, with notice as set out in section 23

1. If the Dispute Body decides to dismiss the Complaint, it may provide reasons for its decision.

1. If the Dispute Body decides to impose an Initial Sanction, it may notify the Complainant orally or in writing, but must notify the Respondent in writing. The notice to the Respondent must include, at minimum, a summary of the Investigation Report and the rationale for the extent of the Initial Sanction.

1. An Initial Sanction may comprise one or more of the following:
 - a. Verbal or written reprimand
 - b. Verbal or written apology
 - c. Removal of Club privileges
 - d. Return of Club awards / honours
 - e. Suspension from certain Club activities
 - f. Suspension from all Club activities, and/or
 - g. Any other penalty considered appropriate for the conduct

1. Upon receipt of the notice of the Initial Sanction, the Respondent may either accept the Initial Sanction or challenge it via Discipline Proceedings.

1. If the Respondent wishes to challenge the Initial Sanction via Discipline Proceedings, they must make such a request in writing to the Dispute Body within seven days of receiving notice of the Initial Sanction (Hearing Request). The Dispute Body has the discretion to waive or extend the time period noted in this section.

Referral to a Hearing & alternative dispute resolution

1. Within three days of receipt of the Hearing Request, the Dispute Body must refer the Matter to an Adjudicator and must provide notice of the referral to the Respondent. The Dispute Body must notify the Complainant of the referral to the Adjudicator.
1. As soon as practicable after the receipt of a referral, the Adjudicator must notify the Dispute Body and the Respondent of their involvement, and the options open to the parties regarding dispute resolution. The Adjudicator has the discretion to notify other individuals and/or entities who may be impacted by the Discipline Proceedings, and to invite them to participate. The parties are to be offered the following options:
 - a. Mediation with someone other than the Adjudicator as Mediator (the Adjudicator will select the Mediator); (or the parties can be given an option to select a Mediator, failing which the Adjudicator will do so)
 - b. "Med-arb": Mediation then arbitration with the Adjudicator as Mediator and Arbitrator; or
 - c. Arbitration with the Adjudicator as Arbitrator.
1. Unless all parties agree in writing within seven days of them being notified of their options, there will be an arbitration with the Adjudicator as Arbitrator.

Hearing process

1. At the Hearing, the burden of proof is on the Dispute Body. The standard of proof is the balance of probabilities.
1. The Adjudicator has the power to control the Discipline Process within the following parameters:
 - a. All parties have a right to counsel
 - b. All parties have a right to be heard
 - c. All parties have a right to know the opposing case
 - d. All parties have a right to call and cross-examine witnesses
 - e. Although written evidence will be accepted, oral evidence is preferred, and
 - f. Timelines are to be set to ensure that the matter is heard in a timely fashion
1. The Adjudicator has the power throughout the Discipline Process to issue an Interim Sanction. This is only to be exercised in extraordinary circumstances, and in response to reprehensible conduct by one or more parties.
1. The Adjudicator must set general rules pertaining to the conduct of the Hearing, and these must be published by the Club on the Club's website. However, in accordance with section 31, the Adjudicator may depart from these rules in their

discretion as the circumstances reasonably demand.

1. In any event, in all cases, decisions with written reasons will be rendered within 14 days of the conclusion of the Hearing. In extraordinary circumstances, the Adjudicator may first issue an oral and/or summary decision soon after the Hearing's conclusion, with a full written decision to be issued later, but still within the 14-day period.

Powers of the Adjudicator

1. The Adjudicator is not bound by the Dispute Body's Initial Sanction. Upon hearing any dispute under this Policy, the Adjudicator may impose one of more of the following sanctions in relation to a Discipline Matter or conduct during the Discipline Process or both:
 - a. Verbal or written reprimand
 - b. Verbal or written apology
 - c. Removal of Club privileges
 - d. Return of Club awards / honours
 - e. Suspension from certain Club activities
 - f. Suspension from all Club activities
 - g. Expulsion from the Club, and/or
 - h. Any other penalty considered appropriate for the conduct

1. Unless the Adjudicator decides otherwise, any Final Sanction is to begin immediately, though a reasonable time will be afforded for penalties such as apologies to be given. Failure to comply with a Final Sanction will result in an automatic suspension until such time as compliance occurs.

Miscellaneous

Criminal convictions

1. Subject to section 38, any convictions of a Club Member under the *Criminal Code* may be considered a Complaint under this Policy, with the Dispute Body as Complainant.

1. The Club must consider Club Member convictions for certain offences under the *Criminal Code* as a Complaint under this Policy, with the Dispute Body as Complainant. This list of offences includes, but is not limited to, those relating to:
 - a. Child abuse (including, but not limited to, pornography and trafficking)
 - b. Dishonesty
 - c. Drug trafficking
 - d. Sex
 - e. Uttering threats, and
 - f. Violence

1. Unless the Adjudicator decides otherwise, any Final Sanction is to begin immediately, though a reasonable time will be afforded for penalties such as apologies to be given. Failure to comply with a Final Sanction will result in an automatic

suspension until such time as compliance occurs.

Challenging the dismissal of a Complaint

1. If a Complaint is dismissed, the Complainant may request, via the Dispute Body, a referral of the Matter to an Adjudicator for the sole purpose of determining if the dismissal of the Complaint was reasonable. This request must be accompanied by a detailed written argument setting out how the Dispute Body's decision was unreasonable. Within seven days of such a request, the Dispute Body must refer the matter to an Adjudicator together with all relevant documents and notify the Complainant of the referral.
1. Within seven days of receipt of the referral and related documents noted in section 40, the Adjudicator must either provide a decision with reasons and notify the Complainant and Dispute Body of that decision or contact the Complainant and Dispute Body for more information. This information must be provided promptly by the party of whom it was requested. Within seven days of receipt of that information, the Adjudicator must provide a decision with reasons and notify the Complainant and Dispute Body of that decision.

Challenging an Emergency Sanction

1. If the Respondent wishes to challenge the Emergency Sanction, they may do so only if the Initial Sanction will cause them irreparable harm.
1. If an Emergency Sanction is imposed, and it will cause them irreparable harm, the Respondent may request, via the Dispute Body, a referral of the Matter to an Adjudicator for the sole purpose of determining if the Emergency Sanction decision was reasonable under the circumstances. This request must be accompanied by a detailed written argument setting out how the Dispute Body's decision was unreasonable as well as the harm caused by the Sanction.
1. Within 48 hours of receipt, the Dispute Body must provide this request along with all accompanying materials to an Adjudicator. The Dispute Body may provide materials of its own. If it does so, those materials are also to be provided to the Respondent at the same time they are provided to the Adjudicator.
1. The Adjudicator must render a decision within 48 hours and communicate it to the parties. If reasons are not provided with this decision, they will be provided within seven days of the decision.

No automatic stay

1. The Initial Sanction is to remain in force until the conclusion of the Discipline Proceedings unless challenged by the Respondent.
1. If the Respondent wishes to challenge the Initial Sanction during the Discipline Process, they may do so only if the Initial Sanction will cause them irreparable harm.
1. If an Initial Sanction is imposed, and it will cause them irreparable harm, the Respondent may request, via the Dispute Body, a referral of the Matter to an Adjudicator for the sole purpose of determining if the Initial Sanction decision was reasonable under the circumstances. This request must be accompanied by a detailed written argument setting out how the Dispute Body's decision was unreasonable as well as the harm caused by the Sanction.

1. Within 48 hours of receipt, the Dispute Body must provide this request along with all accompanying materials to an Adjudicator. The Dispute Body may provide materials of its own. If it does so, those materials are also to be provided to the Respondent at the same time they are provided to the Adjudicator.

1. The Adjudicator must render a decision within 48 hours and communicate it to the parties. If reasons are not provided with this decision, they will be provided within seven days of the decision.

Appeals

1. There are no appeals from:
 - a. Decisions of the Adjudicator regarding:
 - i. Challenges to Dispute Body dismissals of Complaints, or
 - ii. Interim Sanctions
 - b. Negotiated agreements, and
 - c. Consent Sanctions

1. All appeals from decisions of the Adjudicator regarding Final Sanctions are to be brought before the district discipline body.