

SAINT JOHN SOCCER CLUB INC.

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Discipline and Appeals Policy



Saint John Soccer Club Inc. (2021)

Table of contents:

- A. The Discipline Committee – Page 3
- B. Complaints – Page 3
- C. Conduct subject to review – Page 3
- D. Process – Page 4
- E. Sanctioning – Page 5
- F. Referral to Soccer NB – Page 6

Discipline and Appeals Policy

The Saint John Soccer Club shall establish a Discipline Committee, which purpose is to foster and ensure a safe and positive environment for members of the SJSC to enjoy club activities.

The Discipline Committee

1. The Discipline Committee shall be made up of no less than three persons.
2. The Discipline Committee shall be chaired by an independent member of the association (someone who is not on the Board or employed by the club).

Complaints

3. Any behaviour that is subject to a complaint shall be reported confidentially and in writing to the Discipline Committee. All parties shall cooperate fully with the Discipline Committee as requested.
 - a. Complaints will be filled on a form provided by the SJSC and sent to discipline@saintjohnsoccer.ca

Conduct Subject to Review

4. Conduct subject to consideration by the Discipline Committee shall include, but not necessarily limited to the following conduct that may be committed at or near a game, practice, club facilities, or club sanctioned event:
 - a. Harassment of any kind towards players, coaches, referees, spectators, or club officials;
 - b. Physical abuse, or threat of such, or any unwanted contact to players, coaches, referees, spectators or club official;
 - c. Use or consumption of alcohol or drugs near or in proximity of youths;
 - d. Any sexual contact or innuendo of any kind towards any youth;
 - e. Conduct that, with intent, damages property of the SJSC, coaches, referees, players, club officials or spectators;
 - f. Conduct that is contrary to the spirit of fair play, such conduct including, but not limited to the following:
 - i. Failing to respect the letter and spirit of the rules of soccer;
 - ii. Failure to respect referees or their decisions; and
 - iii. Failure to demonstrate respect for opposing players, club officials, spectators, or coaches;
 - g. Conduct that fails to comply or abide by the By-laws of the SJSC, or other soccer governing bodies; and

- h. Any conduct that endangers the health and safety of players, coaches, referees, spectators or club officials.
5. The SJSC supports an environment that encourages respect, and is free of any conduct inconsistent with such a goal. The SJSC may sanction behaviour that is not expressly set out above, but will sanction any behaviour that fails to promote a safe and positive environment for all players, coaches, referees, club officials or spectators.

Process

6. The Discipline Committee will strive to act fairly in all aspects of the disciplinary process, including the investigative and hearing process, to maintain the confidence of the members and stakeholders of the SJSC.
7. The duty to act fairly shall include the following aspects;
 - a. A process free of bias, with all participants of the Discipline Committee being impartial;
 - b. Any person subject to the discipline process shall have notice of any complaint, including such information as is necessary in order to be able to provide a full and substantive response to any complaint;
 - c. A full consideration of all material evidence, which may be provided orally or in writing;
 - d. Any person subject to a hearing shall be given a reasonable opportunity to respond in person at a hearing, and the Discipline Committee shall take into account any submissions, as well as any mitigating or aggravating factors.
8. At the discretion of the Discipline Committee, subject to the nature of the complaint, the Discipline Committee may consider evidence in writing from all interested parties to the complaint. In the alternative, the Discipline Committee may hold a hearing at which interested parties will present evidence.
9. In the event that the hearing is conducted in writing, the Discipline Committee shall set deadlines for written submissions.
10. In the event that the hearing is conducted in person, the Discipline Committee shall set a date, and will make reasonable efforts to find a date that is convenient for all parties while considering the need for an expeditious hearing. (The Discipline Committee shall provide a minimum of 72 hours notice prior to the hearing).
11. In the event that the hearing is conducted in person, the Discipline Committee shall determine the manner in which evidence shall be presented, taking into account principals of fairness for all interested parties.
12. Evidence that may be considered by the Discipline Committee, whether the hearing is in writing or in person, may include but are not limited to the following;
 - a. Reports by witnesses;

- b. Referee reports;
 - c. Victim evidence or testimony;
 - d. Medical records;
 - e. Past or prior complaints or decisions;
 - f. Social media;
 - g. News reports;
 - h. Pictures or video;
 - i. District, league or club reports;
13. The Discipline Committee shall render a written decision to any hearing, in writing, within a reasonable period of time.
14. The factors that the Discipline Committee shall consider in rendering a decision shall include, but are not limited to, the following;
- a. The nature of the complaint;
 - b. The extent to which the evidence supports the complaint;
 - c. The level of intent of the act subject to the complaint;
 - d. The number of prior complaints, and the degree to which prior complaints are similar to the complaint at issue;
 - e. The degree to which violence or premeditation is an element of the complaint;
 - f. Degree of harm or damage caused by conduct;
 - g. Lack of remorse;
 - h. Failure to leave the field of play when directed to do so by a referee or game official.
15. The Discipline Committee shall also consider any mitigating factors, including but not limited to;
- a. The degree to which remorse has been shown towards the complainant or any other interested parties;
 - b. Acting under provocation;
 - c. Prior good record;
 - d. Low severity;
 - e. Absence of intent;
 - f. Personal or medical issues impacting or relating to the conduct.

Sanctioning

16. The Discipline Committee shall strive to impose sanctions that are reasonable in the circumstances, and to ensure that the level of sanction is appropriate to the misconduct. The intent is to strike a balance in moderating behaviour that is not consistent with appropriate behaviour and to foster the game and member development in the future.
17. The decision of the Discipline Committee shall be in writing, and shall be determined by the decision reached by a majority of the members of the Discipline Committee.
18. Sanctions that may be imposed on a player, coach, referee, club official, or spectator may include any one or more of the following;
- a. Warning with or without conditions;
 - b. Requirement for apology;

- c. Educational or counseling sanctions;
 - d. Period of probation, with or without conditions;
 - e. Single or multiple game suspensions, which shall be calculated by full games;
 - f. Suspension for a period of time, which shall be set in terms of days, weeks, months or years from the date of the decision;
 - g. Ban from attendance at club facilities, fields or sanctioned events;
19. The Discipline Committee may, prior to any hearing, impose an immediate suspension from attendance at any game, practice, club facility, fields or sanctioned events upon receipt of a complaint or report of the following;
- a. Any offence of a physical, violent, sexual, or threatening nature against a youth by an adult;
 - b. Where a criminal charge has been laid;
 - i. If a criminal charge has been laid, an individual will be suspended indefinitely
 - c. Where there is reasonable concern for public safety or harm to individuals or property;
 - d. Game official assault or threat of assault by any player, coach, club official, or spectator;
20. In the event of an immediate suspension, the suspension shall remain in effect until such time as a hearing is held by the Discipline Committee, which shall be as soon as reasonably practicable.
21. Failure to comply with the terms of a sanction shall be considered a serious offence, and may lead to further and more significant sanctions.
22. In the event a person subject to a complaint fails to comply with the terms of a written hearing, or fails to attend a hearing as scheduled, or waives their right to a hearing, the Discipline Committee may do any of the following;
- a. Conclude that the person subject to a complaint shall remain suspended until such time as they attend a hearing into the complaint;
 - b. Proceed with the hearing in the absence of the person subject to the complaint, provided the Discipline Committee feels it has sufficient evidence before it to render a decision.
23. A hearing may be postponed by the Discipline Committee, or on request of the person subject to a complaint, in circumstances where it is just and reasonable to postpone the hearing.
24. In the event of a postponement, the hearing shall be reset as soon as practically possible.

Referral to Soccer NB

25. The SJSC may refer complaints to Soccer NB or other such governing organizations in situations such as, but not limited to, the following;

- a. Matters in which one or more of the Discipline Committee is in a conflict of interest that cannot be reasonably remedied;
- b. Complaint involving the conduct of a director or staff member of the SJSC;
- c. Complaint that involves behaviour that the Discipline Committee deems egregious;
- d. Matter that the Discipline Committee has voted to forward to Soccer NB.

26. All decisions rendered by the Discipline Committee, or by the Board, are final subject to any right of appeal that may be permitted by Soccer NB or other governing body.