



## Preamble

Every player, member, coach, director, and administrator should ensure they are familiar with the policies and procedures outlined in this document. They must also be aware of the discipline management systems involved in the leagues and tournaments in which they compete.

The purpose of standardized discipline and appeal rules and regulations is to ensure a safe and positive environment by making all participants in soccer aware that there is an expectation, at all times, of appropriate behaviour consistent with Edmonton Scottish United Soccer Club's core values. This includes supporting the Codes of Conduct outlining ethical behaviours of players, parents and coaches / team staff.

ESUSC upholds the tenets of natural justice and the duty to act fairly; it aims to eliminate bias and ensure the right to a fair hearing. The Club is driven to maintain the confidence of our membership, and will use every reasonable means available to remove bias from the disciplinary process.

All individuals involved in a ESUSC Disciplinary Process have the right to:

- 1) A process free of bias. Those who make decisions on a discipline or appeal committee are impartial and unprejudiced.
- 2) Prior notice, including advance access to pertinent information that identify the critical issues and contain sufficient information for respondents to be able to participate meaningfully in the decision-making process and enable an opportunity to respond.
- 3) Fair hearing, whereby the respondent is afforded a timely and reasonable opportunity to represent themselves in person at a hearing and the committee members genuinely consider the respondent's submissions in making the decision.

As per the Alberta Soccer Association's requirements of affiliate members, these rules and regulations seek to adhere to Rules & Regulations on Discipline & Appeals, Appendix A.

## Discipline Hearing Panel

Discipline issues are handled by a Discipline Committee. The Director of Discipline shall be responsible for appointing a panel to consist of not less than 3 members, including the Chair, recording member, and a third member. The panel may not necessarily consist of the same people for each matter being reviewed, but will consist of a selection of qualified members and/or officials from the membership of the Club.

Panel members must be free from bias and/or the appearance of bias, and must not be members of the ESUSC Board of Directors. In the event three qualified members are not available for a hearing, the accused may waive

the requirement for a three-member panel by signing an appropriate waiver form provided prior to the commencement of the hearing.

The Policies and Procedures set out herein govern ESUSC Discipline Panels. Jurisdiction for handling misconduct is identified in detail in the current ASA Published Rules ([albertasoccer.com/wp-content/uploads/2016/11/Rules-Regulations-on-Discipline-Appeals-Approved-January-28-2017.pdf](http://albertasoccer.com/wp-content/uploads/2016/11/Rules-Regulations-on-Discipline-Appeals-Approved-January-28-2017.pdf)).

## **Discipline by Hearing**

Discipline hearings are conducted on a regular basis, as required; persons required to attend a hearing are advised in writing no less than seven days in advance of the hearing date. This notice must state the exact nature of the charges, the misconduct type, and the *Rights of the Accused* to request copies of all reports upon which charges have been based, to request a postponement, to bring an adviser, observers and/or witnesses. Within two days of receipt of such request for copies of reports, ESUSC shall forward a copy to the accused.

Discipline hearings or reviews are also held for matters of misconduct involving persons other than players, such as coaching staff, parents, spectators or any other registered ESUSC member reported for misconduct. Some offences are deemed to be more serious, and fall under the jurisdiction of the youth association to which the ESUSC belongs, or the Alberta Soccer Association. In such a case, ESUSC does not have discretion on who will hear a discipline case.

## **Procedure**

The Discipline Chair will ensure that the proper charge is identified for each accused prior to determining penalties or scheduling for hearing.

The Club Administrator will ensure all caution, dismissal and special incident reports are recorded in the discipline binder kept in the Club office. A written summary of all Club discipline will be submitted to the appropriate District Association at year end.

Dismissal forms received which require a hearing by the Club discipline panel will be placed in a hearing file and the proper paperwork taken care of in the ESUSC office. Original documents will be maintained in the hearing file. The file will be recorded by, and bear the name of, the hearing date and include all cases to be heard on that specific date. Hearing files and the discipline binder will not leave the Club office, and confidentiality will be maintained.

## **Penalties**

Minimum penalties must be rendered in all Club disciplinary decisions pursuant to ASA rules. If the Club discipline panel concludes that such action is appropriate, it has the option to impose penalties that are more severe than the minimums specified but their decisions must be no less severe than those set out in the Alberta Soccer Association rules and regulations.

## **Notification of Penalty**

Decisions shall be forwarded in writing to all affected parties within two days of the date of the decision indicating the exact offence of which the accused has been found guilty and include the start and expiry dates of any suspension term or the specific games from which the accused has been suspended.

An accused must receive a copy of the “Rights of Appeal Information” sheet with each decision rendered, and the appropriate body to which an appeal must be directed. Penalties will be recorded in the discipline binder by the Club Administrator and a summary forwarded to the District Association at year-end.

## **Postponement of Hearing**

Any party required to attend a hearing may request one (1) postponement of a hearing. The party must submit a request received by the Club no later than four (4) days prior to the date of that hearing, stating the reason for requesting the postponement and accompanied with the fee, if applicable.

## **Request for Hearing after Failing to Attend**

Those who request another hearing after failing to attend a hearing when required to do so shall submit a receipted request accompanied by the fee, if applicable.

## **Attendance at Discipline Hearing**

An accused less than eighteen years of age must be accompanied by an adult, who shall act as an adviser, failing which the hearing will not proceed and the accused shall be suspended until the hearing is held. An accused eighteen years of age or older may also choose to be accompanied by another adult who may act as an adviser. An accused individual must attend a hearing. A representative of an accused must provide a signed proxy from the accused before being allowed to participate at a hearing.

## **Parties Permitted to Attend a Hearing**

Advisors – must be 18 years of age or older, and may not question the competence of the Committee but may question a witness for clarification only. Advisors may neither act as a witness nor provide testimony.

Observers – attends only to ensure that a specified party receives a fair hearing according to publishes rules. No more than two (2) observers may be in attendance at a hearing for each party required to attend. Observers may not act as a witness nor provide testimony. Observers may speak at the hearing only at the discretion of the Discipline Panel.

Witnesses- each party is entitled to bring witnesses; written reports are acceptable. Witnesses may only add new testimony which may be limited by the Discipline Panel.

## **Hearing Procedures**

All parties shall be brought into the hearing room at the commencement of the hearing and the names and status of all attendees shall be recorded. The Chair shall explain to all parties the process to be followed, and the rights and limitations of all parties to the hearing as set out above.

Each hearing shall be closed to all persons, other than those identified herein as invited or required to attend. Any person(s) with adverse interests or person(s) attending a hearing on behalf of such persons must avoid any inappropriate communication prior to the hearing. The Chair must ensure the environment for a scheduled hearing meets required standards.

In the presence of all parties, the charges shall be read from the Hearing Notice together with any other reports. Witnesses are then required to leave the room. The person submitting the report, if present, shall be allowed to amplify or qualify the report, and the accused allowed to question the individual submitting the report (or representative).

In the absence of that person, the accused may question the report itself. Witnesses are to be brought back one at a time at the request of either party or the panel. A witness who has been heard may not speak to any other witness who has not yet been heard. The hearing panel may question the accused or any witness. The Chair shall have the discretion to adjourn the hearing and reschedule it to a later date should evidence from a witness not in attendance be deemed crucial to the decision. Notice in writing shall be given to all those required to attend the rescheduled hearing.

The accused and the person submitting the report shall be given the opportunity to present final comments. At the conclusion of the hearing, the Chair shall declare the hearing recessed and notify all parties of their "Rights of Appeal". A decision shall be arrived at by the panel and Notice of Decision rendered in writing to the parties within 10 days after the date of the hearing.

Decisions rendered shall include the "Rights of Appeal Information", the exact offence, terms of discipline imposed including suspension fees, fines, terms, etc. An accused person who refuses to participate in a Discipline Hearing, or who walks out of the hearing, thus preventing the *Discipline Hearing Panel* from rendering a decision on the case, shall be suspended from all *soccer related activities* until such time that he/she requests, in writing, another hearing and appears at that subsequent hearing. Notwithstanding the preceding sentence, if the *Discipline Hearing Panel* determines that it has obtained sufficient evidence, prior to the walkout, to render a decision in the normal manner, it shall render its decision. An accused person failing to attend a Discipline Hearing when required to do so, shall be suspended from all soccer related activities until such time that he/she requests, in writing, another hearing and appears at that subsequent hearing.

## **Fees**

No fees will be levied at this time; the ESUSC reserves the right to charge fees in the future, if a motion is tabled at a meeting of the ESUSC Board is undertaken, and the motion is approved.