



Unionville-Milliken Soccer Club

Discipline Procedure and Appeals

1.0 Purpose

- 1.1 Unionville Milliken Soccer Club is committed to providing an environment in which all Stakeholders, who are defined to include Members, supporters and participants in UMSC events and tournaments from other Clubs, are treated with respect. Irresponsible behaviour can result in severe damage to the integrity of Unionville Milliken Soccer Club. Conduct that violates these values may be subject to disciplinary measures contained in this policy. Since disciplinary measures may be applied, it is only fair to provide Members a mechanism so complaints and discipline are dealt with fairly, expeditiously and affordably. Unionville Milliken Soccer Club is committed to providing an environment that is characterized by the value of fairness, integrity, open communication and mutual respect.
- 1.2 Participation in Unionville Milliken Soccer Club activities brings with it many benefits and privileges. At the same time, Club Members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, procedures, rules and regulations and the applicable Code of Conduct and Ethics.
- 1.3 This Discipline policy applies to the violation of both code of conduct and ethics, and outlines the applicable appeals and dispute resolution processes therein. Failure to comply by any Club Member of the responsibilities and obligations and/or any related matters including the violation of UMSC code of conduct, but not limited to, complying with the policies, procedures, rules and regulations and the applicable Code of Conduct and Ethics shall result in the application of this Discipline policy.

2.0 Application of this Policy

- 2.1 This Policy applies to all Members. This Policy only applies to discipline matters that may arise during the course of Unionville Milliken Soccer Club business, activities and events, including but not limited to; training activities, events and meetings.

3.0 Discipline of a Member or Stakeholder

- 3.1 A Member may be fined, censured, suspended or expelled from Membership or participation in an event, for cause after charges have been laid in accordance with the UMSC Constitution, By-Laws and Published Rules, UMSC League or Tournament Rules.
- 3.2 A Member whose Membership has been suspended loses all rights of Membership until the

suspension has been completed.

4.0 Reporting a Complaint

4.1 Any individual may report a complaint following the correct procedure. The complaint, in writing, must be signed and filed within thirty (30) days of the alleged incident. Anonymous complaints may be accepted upon the sole discretion of Unionville Milliken Soccer Club Management Committee/ Board. A complainant wishing to file a complaint beyond the thirty (30) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the notice of complaint outside the thirty (30) days period will be at the sole discretion of the Unionville Milliken Soccer Club Management Committee. This decision may not be appealed.

5.0 Discipline and Complaints Policy

- 5.1 If a complaint is determined by the Unionville Milliken Soccer Club, or designate, to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the Unionville Milliken Soccer Club, or designate, to determine whether a complaint is to be dealt with as a major or minor infraction. This decision is not appealable.
- 5.2 If the incident is to be dealt with as a minor infraction, the Unionville Milliken Soccer Club, or designate, will inform the alleged offender, and the matter will be dealt with according to the section relating to minor infractions.
- 5.3 If the incident is to be dealt with as a major infraction and if the Unionville Milliken Soccer Club, or designate, determines that a hearing is required, the alleged offender will be notified as quickly as possible and the matter will be dealt with according to the section relating to major infractions.
- 5.4 This Policy does not prevent an appropriate person having authority from taking immediate, informal or corrective action in response to behavior that constitutes either a minor or major infraction provided that the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further disciplinary measures may be applied in accordance with the procedures set out in this Policy.

6.0 Minor Infractions

- 6.1 Examples of minor infractions include, but are not limited to, a single incident of: Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others; conduct contrary to the ideals of respect such as angry outbursts or argument; and Non-compliance with the Published Rules under which Unionville Milliken Soccer Club is governed including breaches of Code of Conduct, Ethics and any other related violations.
- 6.2 All disciplinary situations involving minor infractions occurring will be dealt with by the Unionville Milliken Soccer Club.
- 6.3 Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the Unionville Milliken Soccer Club Management Committee. This is provided that the Individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident.
- 6.4 Disciplinary measures for minor infractions, which may be applied singly or in combination,

include the following:

- 6.4.1 Verbal or written reprimand which may be placed in the individual's file
 - 6.4.2 Verbal or written apology
 - 6.4.3 Service or other voluntary contribution to Unionville Milliken Soccer Club
 - 6.4.4 Retraining
 - 6.4.5 Suspension from the current training, activity or event; or any other disciplinary measure considered appropriate for the offense.
- 6.5 Minor infractions that result in discipline will be recorded and maintained by Unionville Milliken Soccer Club. Repeat minor infractions may result in further such incident being considered a major infraction.

7.0 Major Infractions

- 7.1 Major infractions are instances and/or repeated instances of misconduct that result, or have the potential to result, in harm to other persons or Unionville Milliken Soccer Club including breaches of Code of Conduct, Ethics and any other related violations.
- 7.2 Examples of major infractions include, but are not limited to:
- 7.2.1 Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
 - 7.2.2 Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
 - 7.2.3 Repeated incidents of being late for or absent from Unionville Milliken Soccer Club events activities at which attendance is expected or required;
 - 7.2.4 Incidents of physical abuse;
 - 7.2.5 Pranks, jokes or other activities that endanger the safety of others;
 - 7.2.6 Disregard for the rules and regulations under which Unionville Milliken Soccer Club training, events and programs are conducted;
 - 7.2.7 Conduct which results in harm to the image, credibility or reputation of Unionville Milliken Soccer Club and/or its' sponsors;
 - 7.2.8 Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely; or i) Any use of illicit drugs and narcotics.
- 7.3 Major infractions may be dealt with immediately, if necessary, by Unionville Milliken Soccer Club staff, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, disciplinary measures will be for the duration of the training, program or event only. Further disciplinary measures may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

8.0 Discipline Panel and Hearing

- 8.1 Within twenty-one (21) days of notifying the respondent of a complaint of a major infraction, the Unionville Milliken Soccer Club, or designate, will appoint one - three individuals to serve as a Discipline Panel ("Panel").
- 8.2 The Panel will have no significant relationship with the complainant and respondent; will have had no involvement with the alleged infraction; and will be free from any other bias or conflict of interest.
- 8.3 The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after

being appointed.

- 8.4 Having regard to the nature of the discipline matter and the potential consequences of any resulting disciplinary measures, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in-person or by means of telephone conference.

9.0 Documentary Review

- 9.1 Where the Panel has determined that the appeal will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:

- 9.1.1 All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal and argument; and
- 9.1.2 The applicable principles and timelines set out by the Panel are respected.

10.0 Oral Hearing

- 10.1 Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

- 10.1.1 The affected parties will be given five (5) days written notice of the day, time and place of the hearing;
 - 10.1.2 The affected parties will be provided copies of all evidence to be relied upon;
 - 10.1.3 Decisions will be by majority vote;
 - 10.1.4 The Panel will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
 - 10.1.5 The individual being disciplined may be accompanied by a representative;
 - 10.1.6 The individual being disciplined will have the right to present evidence and argument;
 - 10.1.7 Any party potentially affected by the matter may be made party to the hearing by the Panel;
 - 10.1.8 The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
 - 10.1.9 If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
 - 10.1.10 The hearing will be held in private;
 - 10.1.11 Each party will bear their own costs;
 - 10.1.12 Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.
- 10.2 After hearing the matter, the Panel will determine whether or not the individual will be disciplined, and if so, will determine the appropriate penalty to be imposed and any measures to mitigate the harm suffered by others as a result. The Panel's written decision, with reasons, will be distributed to all parties and Unionville Milliken Soccer Club within twenty-one (21) days of the conclusion of the hearing.
- 10.3 Where the individual acknowledges the facts of the incident, he or she may waive the hearing, in which case the Panel will determine the appropriate disciplinary measures. The Panel may hold a hearing for the purpose of determining an appropriate disciplinary measure.
- 10.4 If the individual being disciplined chooses not to participate in the hearing, the hearing may

proceed in any event.

11.0 Disciplinary Measures

11.1 The Panel may apply the following disciplinary measures singly or in combination, for major infractions:

- 11.1.1 Written reprimand to be placed in the individual's file;
- 11.1.2 Written apology;
- 11.1.3 Removal of certain privileges;
- 11.1.4 Suspension from certain Unionville Milliken Soccer Club programs, events and/or activities;
- 11.1.5 Suspension from all Unionville Milliken Soccer Club activities for a designated period of time;
- 11.1.6 Expulsion from Unionville Milliken Soccer Club;
- 11.1.7 Publication of the Panel's decision;
- 11.1.8 Other measures may be considered appropriate for the offense.
- 11.1.9 Penalties as may be set out in the UMSC Constitution, By-Laws and Published Rules, UMSC League or Tournament Rules and District Association's Constitution and By-Laws; and, applicable Published Rules of the Provincial Association and its Governing Bodies.

11.2 Unless the Panel decides otherwise, any disciplinary measures will commence immediately. Failure to comply as determined by the Panel will result in automatic suspension within Unionville Milliken Soccer Club until such time as compliance occurs.

11.3 A written record will be maintained by Unionville Milliken Soccer Club Ontario at its head office for major infractions that result in disciplinary measures.

12.0 Serious Infractions

12.1 The Unionville Milliken Soccer Club, or designate, may determine that an alleged incident is of such seriousness as to warrant suspension of the individual pending a hearing and a decision of the Panel.

12.2 Where it is brought to the attention of the Unionville Milliken Soccer Club, or designate, that a Unionville Milliken Soccer Club Stakeholder has been charged with an offence under the Criminal Code, or has previously been convicted of a criminal offence, the Unionville Milliken Soccer Club, or designate, may suspend the Unionville Milliken Soccer Club Stakeholder pending further investigation, a hearing, or completion of the criminal proceedings.

12.3 Notwithstanding the procedures set out in this Policy, any Unionville Milliken Soccer Club Soccer Club Stakeholder who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault will face automatic suspension from participating in any activities of Unionville Milliken Soccer Club for a period of time corresponding to the length of the criminal sentence imposed by the court, and may face further disciplinary action by Unionville Milliken Soccer Club in accordance with this Policy.

13.0 APPEAL TO THE UMSC - Discipline and Appeals Committee

13.1 Any party affected by a discipline decision has the right to appeal the decision of the UMSC in writing in accordance with the following protocol

13.2 The Appeal Must be issued to the APPEAL TO THE YORK REGION SOCCER ASSOCIATION, in accordance with the Discipline and Appeals Process defined by the

Ontario Soccer and as per the terms defined in section 15.0 below

14.0 Timelines

- 14.1 If the circumstances of the complaint are such that this policy will not allow a timely conclusion, or if the circumstances of the complaint are such the complaint cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

15.0 APPEAL TO THE YORK REGION SOCCER ASSOCIATION

RIGHTS OF APPEAL INFORMATION

You have the right to appeal the decision of the Unionville Milliken Soccer Club.

This decision may be appealed to the YORK REGION SOCCER ASSOCIATION and may be appealed by any party affected by the decision.

The letter of appeal must specify your rationale for appealing the decision of the Unionville Milliken Soccer Club.

Your rationale must include:

- a) Making a decision for which the Respondent did not have the authority or jurisdiction as set out in the applicable governing documents;
- b) New facts were not available when the decision was made ;
- c) Failing to properly interpret the relevant Published Rules;
- d) Failing to follow procedures as laid out in the relevant Publishes Rules;
- e) Making a decision that was influenced by bias
- f) Alleged excessive fine, fee, bond, or suspension.

Failure to provide adequate rationale will result in your appeal being disallowed.

The appeal must be submitted in writing by registered mail or recognized Courier Service or by hand-delivery or by fax or by

e-mail to:

The York Region Soccer Association

Attn: Discipline and Appeals Committee

101 Bradwick Drive

Concorde, ON L4K 1K5

Telephone (905) 660-3029, Fax (905) 660-8932

Internet: www.yrsa.ca E-Mail: yrsa@rogers.com

Registrants and or registered organizations who wish to seek leave to appeal a decision will have fourteen (14) days from the date on which they receive notice of the decision together with their

rights to appeal, to submit in writing notice of the following:

- a) Their intention to appeal
- b) Completed Application to appeal
- c) Grounds for appeal
- d) All evidence that supports these grounds, including all documents
- e) The remedy or remedies requested
- f) A copy of the written decision being appealed, or the Appellant's understanding of the decision
- g) A signature of the Appellant or authorized representative of the Appellant
- h) Include the Appeal Fee \$500.00

A copy of the letter of appeal may be sent to the Unionville Milliken Soccer Club (UMSC) at its address below:

Unionville Milliken Soccer Club
Milliken Mills Dome
7700 Kennedy Road
Tel: 905-477-5425
Fax: 905-477-6772

E-Mail: admin@u-msc.com

However, it is the responsibility of the Governing Organization (i.e. in this case, the YRSA Discipline and Appeals Committee) to advise all relevant parties about the appeal and to provide them with a copy of the appeal.

The appeal to YRSA must include:

1. A letter of appeal;
2. Completed Application to appeal
3. The appeal fee of \$500.00 by certified cheque or money order
4. A copy of the decision being appealed

If the appeal is upheld, the appeal fee will be returned to the appellant. If the appeal is ruled out of order an administrative fee is retained by the YRSA and the balance is returned to the Appellant. Special criteria are used in the deciding of appeals pertaining to playing-out rights. Contact the

YRSA for more information on appeals.