



## **Definitions**

- A) 'Days' - Days irrespective of weekends and holidays
- B) 'FC Capital United Soccer Club Stakeholders' - Players, Coaches, Referees, Parents, Guardians, Volunteers, Contracted Staff as well as individuals employed or engaged in activities with FC Capital United Soccer Club.

## **Purpose**

FC Capital United Soccer Club is committed to providing an environment in which all FC Capital United Soccer Club Stakeholders (from herein referred to as Stakeholders) are treated with respect. Irresponsible behaviour can result in severe damage to the integrity of FC Capital United 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 Stakeholders a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably. FC Capital United Soccer Club is committed to providing an environment that is characterized by the value of fairness, integrity, open communication and mutual respect. Participation in FC Capital United 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 Code of Conduct and Ethics.

## **Application of this Policy**

This Policy applies to all Stakeholders as defined in the Definitions. This Policy only applies to discipline matters that may arise during the course of FC Capital United Soccer Club business, activities and events, including but not limited to training activities, events and meetings.

## **Reporting a Complaint**

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 FC Capital United Soccer Club Discipline Committee. 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 FC Capital United Soccer Club Discipline Committee. This decision may not be appealed.

## **Discipline and Complaints Policy**

1. If a complaint is determined by the FC Capital United 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 FC Capital United 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.
2. If the incident is to be dealt with as a minor infraction, the FC Capital United Soccer Club, or designate, will inform the alleged offender, and the matter will be dealt with according to the section relating to minor infractions.
3. If the incident is to be dealt with as a major infraction and if the FC Capital United 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.
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.

## **Minor Infractions**

5. Examples of minor infractions include, but are not limited to, a single incident of:
  - a) Disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
  - b) Conduct contrary to the ideals of respect such as angry outbursts or argument;
  - and c) Non-compliance with the Policies and Procedures under which FC Capital United Soccer Club is governed.
6. All disciplinary situations involving minor infractions occurring will be dealt with by the FC Capital United Soccer Club.



7. 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 FC Capital United Soccer Club Discipline 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.

8. Disciplinary measures for minor infractions, which may be applied singly or in combination, include the following:

- a) Verbal or written reprimand which may be placed in the individual's file;
- b) Verbal or written apology;
- c) Service or other voluntary contribution to FC Capital United Soccer Club;
- d) Retraining;
- e) Suspension from the current training, activity or event; or
- f) Any other disciplinary measure considered appropriate for the offense.

9. Minor infractions that result in discipline will be recorded and maintained by FC Capital United Soccer Club. Repeat minor infractions may result in further such incident being considered a major infraction.

### **Major Infractions**

10. Major infractions are instances of misconduct that result, or have the potential to result, in harm to other persons or FC Capital United Soccer Club.

11. Examples of major infractions include, but are not limited to:

- a) Repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others;
- b) Repeated conduct contrary to the ideals of respect such as angry outbursts or argument;
- c) Repeated incidents of being late for or absent from FC Capital United Soccer Club events activities at which attendance is expected or required;
- d) Incidents of physical abuse;
- e) Pranks, jokes or other activities that endanger the safety of others;
- f) Disregard for the rules and regulations under which FC Capital United Soccer Club training, events and programs are conducted;
- g) Conduct which results in harm to the image, credibility or reputation of FC Capital United Soccer Club and/or its' sponsors;
- h) 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.

12. Major infractions may be dealt with immediately, if necessary, by FC Capital United Soccer Club, 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.

### **Discipline Panel and Hearing**

13. Within twenty-one (21) days of notifying the respondent of a complaint of a major infraction, the FC Capital United Soccer Club, or designate, will appoint one - three individuals to serve as a Discipline Panel ("Panel").

14. 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.

15. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed.

16. 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.

### **Documentary Review**

17. 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:

a) 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

b) The applicable principles and timelines set out by the Panel are respected.



## **Oral Hearing**

18. 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:

- a) The affected parties will be given five (5) days written notice of the day, time and place of the hearing;
- b) The affected parties will be provided copies of all evidence to be relied upon;
- c) Decisions will be by majority vote;
- d) The Panel will refrain from communicating with the parties except in the presence of, or copy to, the other parties;
- e) The individual being disciplined may be accompanied by a representative;
- f) The individual being disciplined will have the right to present evidence and argument;
- g) Any party potentially affected by the matter may be made party to the hearing by the Panel;
- h) The Panel may request that any witness be present at the hearing or submit written evidence in advance of the hearing;
- i) If the individual being disciplined chooses not to participate in the hearing, the hearing will nonetheless proceed;
- j) The hearing will be held in private;
- k) Each party will bear their own costs;
- l) Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing.

19. 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 FC Capital United Soccer Club within twenty-one (21) days of the conclusion of the hearing.

20. 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.

21. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

## **Disciplinary Measures**



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

- a) Written reprimand to be placed in the individual's file;
- b) Written apology;
- c) Removal of certain privileges;
- d) Suspension from certain FC Capital United Soccer Club programs, events and/or activities;
- e) Suspension from all FC capital United Soccer Club activities for a designated period of time;
- f) Expulsion from FC Capital United Soccer Club;
- g) Publication of the Panel's decision;
- h) Other measures may be considered appropriate for the offense.

23. 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 FC Capital United Soccer Club until such time as compliance occurs.

24. A written record will be maintained by FC Capital United Soccer Club Ontario at its head office for major infractions that result in disciplinary measures.

### **Serious Infractions**

25. The FC Capital United 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.

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

27. Notwithstanding the procedures set out in this Policy, any FC Capital United 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 FC Capital United 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 FC Capital United Soccer Club in accordance with this Policy.

### **Timelines**

28. 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.



## COMPLAINT INTAKE FORM

Please note the following:

- Complaints of harassment, abuse, or bullying are not grounds for release
- Definitions are provided at the end of this Form
- Substantiated allegations of harassment, abuse or bullying will be considered for sanctions ranging in severity from: no further action to expulsion.
- FC Capital United Soccer Club cannot guarantee complete confidentiality. The contents of this document may be shared in an effort to resolve the complaint here within. By completing the form you agree that FC Capital United Soccer Club may share some or all of this information in the process of resolving the complaint.
- Complaints will be addressed according to severity, resources and safety for participants.
- Email completed form to the President or speak with him directly.

Please complete the following:

### 1. Person making the complaint (circle):

Player    Parent    Volunteer    Official Employee

First Name	Last Name	
Address		
City/Town	Province	Postal Code
Telephone	Fax	Email

### 2. Person on behalf complaint is made: (to be completed if different from above)

Player    Parent    Volunteer    Official Employee

First Name	Last Name	
Address		
City/Town	Province	Postal Code
Telephone	Fax	Email

### 3. Name of person (s) against whom you are complaining about:

First Name	Last Name	
Address		
City/Town	Province	Postal Code
Telephone	Fax	Email
Title/Role		



**4. When did the last incident occur (date)?:**

**5. Please check the ground (s) that best describes your complaint:**

**A. Harassment (against Human Rights)**

Type of behavior:

Based on:

Conduct <input type="checkbox"/>	Gestures <input type="checkbox"/>	Comments <input type="checkbox"/>	
Ethnicity	Race	Disability	Colour
Religion	Age	Sexual Orientation	Sex
Marital Status	Family Status	Pardoned conviction	

**B. Abuse (adult to child relationship and is a protection issue)**

Type of behavior:

Physical       Emotional       Sexual       Neglect

Please note: the FC Capital United Soccer Club, nor will any Member thereof investigate reports of abuse that meet the definition provided here within. This information will be provided to the appropriate authorities for follow up.

**C. Bullying**

(between children 12 years and younger or youths or adults that is not addressed under Human Rights)

Type of behavior:

Physical       Verbal       Relational       Reactive

**D. Misconduct (action in contradiction of Code of Conduct)**

Please note: complaints of misconduct will generally be directed to the Member Partner or District Association or Club for formal or informal resolution according to the organization's constitution or policies.







## **DEFINITIONS**

The following are definitions provided by the Ontario Soccer Association and will be used to determine the grounds on which the complaint is made and the process to address it.

### **Bullying**

Bullying involves a person expressing their power through the humiliation of another person. Bullying describes behaviours that are similar to harassment, but occur between children under the age of twelve, or behaviours between youth or between adults that are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying. The issue of bullying is not addressed by the law; however, bullying behaviour is similar to harassment in that it is defined as hurtful interpersonal mistreatment of a person. Bullying can be broken down into four types; physical (hit or kick victims; take/damage personal property), verbal (name calling; insults; constant teasing), relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person), and reactive (engage in bullying as well as provoke bullies to attack by taunting them).

### **Harassment**

Harassment is defined as conduct, gestures or comments which are reasonably considered insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals, and which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions. Any of the different forms of harassment must reasonably be considered to be based on the grounds prohibited in human rights legislation, such as race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation. Harassment may occur among anyone over the age of 12, between peers (i.e. player to player of the same age group, parent to official, coach to coach) or between someone in a position of power or authority and an adult in a subordinate position (i.e. coach to player, sports administrator to employee). Harassing behaviours among children less than 12 years of age may be defined as Bullying.

### **Abuse**

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust. Abuse is a protection issue. Protection refers to provincial, territorial or Aboriginal band-appointed child protective



## **DEFINITIONS (continued)**

services. A child, (the age defined by provincial or territorial legislation – the age is 16 in Ontario), is in need of protection from harm if abuse or neglect is suspected. Information regarding an individual's legal duty to report and circumstances under which reporting must occur, according to provincial and territorial child protection legislation, is available on [www.soccer.on.ca](http://www.soccer.on.ca)

### **Emotional Abuse**

Emotional abuse is a chronic attack on a child's self-esteem; it is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the child's needs.

### **Physical Abuse**

Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

### **Neglect**

A general definition of neglect is the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. The following is how the definition of neglect may apply in a soccer setting. Neglect may occur in soccer when players are made to play with injuries.

### **Sexual Abuse**

Sexual abuse is when a child or youth is used by a child or youth with more power or an adult for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and noncontact.

### **Misconduct**

Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal or informal process, to be contrary to the FC Capital United Soccer Club Code of Conduct separate from harassment, abuse or bullying.