



THE ERIN MILLS SOCCER CLUB

DISCIPLINE POLICY



1. Who may be Disciplined:

Any person registered with the Ontario Soccer as a player, coach, manager, referee, administrator, Club or District is considered an "OSA Registrant" and may be subject to discipline. OSA Registrants or anyone acting in any such capacity are subject to discipline if they are dismissed from a game or reported for misconduct.

Any person who registers with the Erin Mills Soccer Club as a player, coach, team manager, administrator or game official agrees to be bound by the Rules & Regulations of the Canadian Soccer Association, Ontario Soccer Association, the Peel Halton Soccer Association and the Club (in descending order). This means that as a Registrant, you have agreed to be bound by the discipline processes described in this Policy.

As per the Ontario Soccer's Published Rules, discipline does not apply to Mini Players (U7 & under). Mini Players who engage in any misconduct should be removed from the field and educated by the Coach/Referee concerning the Published Rules and Laws of the Game.

2. The Misconduct Report:

A Misconduct Report may be filed with a governing organization such as a club, league, district, or with Ontario Soccer directly. Misconduct Reports may be filed by:

- (i) a game official;
- (ii) an OSA Registrant or a third party; or;
- (iii) a Governing Soccer Organization

Game Reports recording player cautions and dismissals, Special Incident Reports, or Referee Assault Reports submitted by a Game Official all constitute Misconduct Reports that could result in disciplinary action.

A report or complaint written by an OSA Registrant such as a player, coach, administrator, club, or District is also a Misconduct Report and such as report could result in an OSA Registrant being sanctioned for a disciplinary offence.

Lastly, a complaint or report that discloses a violation of an Ontario Soccer Published Rules submitted by a third party who is not registered with the OSA could also result in disciplinary proceedings being commenced against a player, coach, administrator, Club or District.

A Governing Soccer Organization such as a District Association, a League, or a Club could also generate a misconduct report for its own consideration. In this case the report writer must attend any resulting discipline hearing and act as a witness with respect to their report.

If a Misconduct Report is received by a governing organization from a third party, then the report MUST be investigated to determine if further action (a hearing) is warranted. Discipline can only be pursued by the governing organization if the third party agrees to be identified and agrees to testify at a discipline hearing.

All Misconduct Reports MUST be in writing in English and must be signed by an OSA Registrant (e-mails are generally not acceptable). If a Misconduct Report is incomplete then the Discipline Committee of the applicable governing party may request that a complete report be submitted by the game official or the report writer.

3. Statute of Limitations:

A Misconduct Report must be submitted within SIXTY (60) days of the occurrence of the alleged misconduct and the governing organization must conduct a hearing within THIRTY (30) days after receiving the Misconduct Report. If these deadlines are not strictly observed, then the Misconduct Report is null and void.

This limitation on discipline does NOT apply in the event of any alleged Referee Assault or if the Misconduct Report is submitted directly to the OSA.

4. Jurisdiction Levels

All misconduct types relating to the registration of players, team officials and club administrators fall under the jurisdiction of the district association where the Club is located and affiliated.

All misconduct by a game official or that involves a game official falls under the jurisdiction of the District Association in which the game official is registered, except for game official misconduct in a competition organized by the Ontario Soccer which falls under the Ontario Soccer's jurisdiction.

All misconduct types relating to registration of game officials and Ontario Soccer, the District Association, Senior Provincial League, Senior Regional League, Senior Multi-Jurisdictional District League, League Administrators as well as Youth Level 1, 2, 3, 4 (and if Level 5 is governed by Ontario Soccer) fall under the Ontario Soccer 's jurisdiction.

Misconduct Types that occur in the same game MUST be dealt with by one jurisdiction only. In a game involving several misconduct types by the same person or organization and where those misconduct types would normally fall under two or more jurisdictional levels, the case shall be handled by the more senior governing organization.

5. Responsibilities of the Accused:

The Accused or their adviser are strongly encouraged to review the Ontario Soccer 's Discipline Policy 12 and the Ontario Soccer 's Appeal Policy 13 and become familiar with the OSA's procedure for conducting discipline hearings, protests or appeals. Before the hearing starts, the accused or their adviser should be familiar with the charge(s) and any applicable rules.

It is recommended that the Accused or their adviser review the Notice of Hearing for the following purposes:

- (i) to determine who is/are the accused(s);
- (ii) to ensure that proper notice has been given;
- (iii) to determine who is required to attend the hearing; and
- (iv) to determine if the governing organization conducting the hearing has the proper jurisdiction to consider the charge(s).

The Accused should NOT seek to justify any misconduct based on how the game was officiated by the Referee. The Hearing has been convened to review the alleged misconduct of the Accused and not to determine whether or not the game was officiated to the satisfaction of the players, team officials, or the affected clubs. Poor officiating is not an acceptable defence to allegations of misconduct.

The only focus of the Hearing is whether or not the alleged misconduct was committed by the accused in the time, at the location and in the manner that is prohibited by the Ontario Soccer's Published Rules or the Rules & Regulations of the governing organization that organized the competition.

Any player, team official, game official, or administrator charged with an OSA Offence (or their parent/ legal guardian if they are a youth) are responsible for the following:

- (i) reviewing the Misconduct Report and identifying any inaccuracies, discrepancies or inconsistencies;
- (ii) determining if all the essential elements of the alleged charge(s) are established within the Misconduct Report (ie. who, what, where, when and how);
- (iii) selecting the person who they wish to serve them as an adviser;
- (iv) selecting the person who they wish to act for them as an observer (if desired);
- (v) identifying witnesses and requesting their attendance and participation at the hearing to assist them in their defence to the charge(s);
- (vi) obtaining witness statements from any witnesses (the witnesses must attend the hearing for any witness statements to be considered);
- (vii) obtaining any relevant documents for their defence (such as game sheets, player books, etc...);
- (viii) obtaining any photographic, videotape or other recorded evidence to support their defence;
- (ix) providing any Club Representative or adviser with any and all information that may be relevant to their defence;

- (x) paying any and all applicable Hearing Fees, Request for Postponement Fees, Protest Fees, or Appeal Fees; and
- (xi) serving any suspensions and paying any fines pertaining to the disciplinary proceedings.

It is recommended that any fees required to be paid in connection with any Requests for Hearings, Postponement of Hearings, Game Protests or Applications for Leave to Appeal be paid by certified cheque, money order or bank draft.

ALL Hearing Fees, Request for Postponement Fees, Game Protest Fees, Appeal Fees, fines, bonds or penalties imposed on any registrant MUST be paid by the player/ coach/ team that engaged in the alleged misconduct and will NOT be paid by the Club, under any circumstances.

6. Discipline Processes:

All discipline related to Competitive Soccer is conducted in accordance with the Ontario Soccer's Discipline Policy 12. Ontario Soccer has established standard penalties for various offences which can be found at the Ontario Soccer's web-site by clicking on "Administration", followed by "Governing Documents", then click "Discipline" which will show a PDF entitled "Section 12 - Discipline".

There are two different types of processes for dealing with disciplinary matters:

1. Discipline By Review ("DBR") or
2. Discipline by Hearing ("DBH").

Offences with fixed penalties and suspensions are dealt with by "Discipline by Review" process. DBR offences generally includes yellow or red cards, dismissals and other less serious offences.

The only circumstances where a hearing will be held for a fixed penalty DBR offence is if the affected party requests a hearing in writing and pays the applicable hearing fee within SEVENTY-TWO (72) hours after the game has been completed.

All other offences are DBH offences that are subject to a range of specified penalties rather than a fixed penalty and that are generally more serious offences. DBH offences are addressed at a discipline hearing that is conducted in accordance with the hearing procedures described in OSA Policy 12 - Discipline.

6.1 Discipline by Review:

In a Decision by Review proceeding, the Discipline Committee:

- (i) reads the Misconduct Report to verify that the correct charges have been identified;
- (ii) determines if the Misconduct Report discloses sufficient evidence to support a finding of guilt in relation to any Ontario Soccer Rule;
- (iii) imposes the mandatory penalty on any guilty parties in accordance with Policy 9 - Standard Penalties for Misconduct;
- (iv) determines if any further investigation is required and/ or if a hearing needs to be convened.

If the Misconduct Report clearly indicates that an offence was committed in the manner prohibited by the Published Rules then the accused will be found guilty. If any of the essential elements of an offence are not established by the Misconduct Report then the accused will be found not guilty. Once a decision has been made, the Discipline Committee will issue a Notice of Decision to the affected party and their club.

There is NO Right of Appeal in respect of any discipline determined in any Decision by Review proceedings.

If the accused requests a hearing in respect of a DBR offence and pays the designated hearing fee, and they are found guilty following a hearing, then any applicable Rights of Appeal will apply.

6.1.1 Request for a Hearing:

To request a hearing in connection with a DBR offence, the affected party must file a written request for a hearing with the governing organization together with the designated hearing fee in cash or certified funds within SEVENTY-TWO (72) hours after the game has ended.

If a caution has been issued, a player or a coach has been dismissed, or if the game has been abandoned for any reason, then the Published Rules require the Game Official to prepare and file a Misconduct Report or Special Incident Report. If an incident of this nature occurs before, during, or after a game involving any OSA Registrant, and if the player/ coach/ team wishes to dispute the incident, then it's recommended that they promptly file a written request for a hearing and pay the hearing fee.

Generally speaking hearing fees are refunded, if the player/ coach/ team successfully challenges the decision.

Deadlines for requesting a hearing are strictly enforced by all governing organizations.

If a request for a hearing is not received by the applicable governing organization within SEVENTY-TWO (72) hours after the game has ended or if the specified hearing fee is not paid within that time period , then a hearing will NOT be scheduled and the offence will be addressed through the DBR process.

6.1.2 Hearing Fees and Fines:

Hearing Fees and Fines must be paid by the player, coach, or team who is found guilty. If the Club is charged and convicted as a result of the misconduct of a player, coach or team, then the team will be invoiced for any amounts required to be paid by the Club. It is the responsibility of the team and team officials to collect and remit any applicable hearing fees or fines from the Registrant if they are found guilty of any misconduct.

If payment of such amounts are not promptly received by the Club, then the amount required to be paid or reimbursed will be deducted from the team's bond. If this occurs, then the team is required to replenish the team bond or the team, team official or player could be de-registered by the club.

6.2 Discipline by Hearing:

All offences with a specified range of penalties) shall be addressed at a discipline hearing in accordance with the "Discipline by Hearing" procedures.

6.2.1 Notice of Hearing:

If Misconduct Report is received by a governing body, a Notice of Hearing will be sent to the Club and the appropriate Player/ Team Official. Except where the governing body conducts regular scheduled hearings (such as the South Region Soccer League), this Notice must be sent 15 days prior to the scheduled hearing date.

A Notice of Hearing MUST be accompanied by the Rights of the Accused. These rights include the right to bring an adviser, to call witness(es), to invite observer(s) and the Right of Appeal to the next higher governing organization. Decisions made by the Club or a district league may be appealed to the Peel Halton Soccer Association. Decisions by a District (PHSA) or a Regional League may be appealed to the Ontario Soccer Association. Decisions by the Ontario Soccer may be appealed to the Canadian Soccer Association.

A Notice of Hearing MUST include the following:

- (i) the name(s) of the accused;
- (ii) a description of the Charge;
- (iii) a reference to the Rule that has allegedly been contravened;
- (iv) the name(s) of the person(s) required to attend;
- (v) the time, date and location where the hearing will be held; and
- (vi) the Misconduct Report; and
- (vii) any other documents that the Discipline Panel may consider during the Hearing.

6.2.1 Person(s) Required to Attend:

Person(s) required to attend include the accused, the coach, and generally a club representative.

If a Club Representative is required to attend a hearing the Team will be charged an Administration Fee as follows:

Governing Organization:	Administration Fee:
Ontario Youth Soccer League	\$50.00
Peel Halton Soccer Association	\$50.00
Ontario Soccer Association	\$50.00
Canadian Soccer Association	\$100.00

Club Representatives are usually an officer, director or senior staff person from the Club. Generally, Club Representatives may also be the Rep Director who is responsible for the age group and division that is

subject to discipline. Club Representatives are not required to have a Level 1 Discipline Certificate nor do they necessarily have any expertise *per se* as discipline advisers. It is recommended that any Registrant accused of an offence select someone who is a certified discipline chair to act as their adviser in any hearing.

If a Coach is required to attend and they are not an accused, then they may act as a witness, adviser or observer during the hearing. They must however **MUST** only act in one of these capacities. The Discipline Committee will ask each participant at a hearing to identify themselves and indicate what their status or capacity will be during the Hearing.

Game Officials are NOT required to attend and testify at a hearing unless:

- (a) The Discipline concerns an attempted or alleged Referee Assault; or
- (b) If the accused is in jeopardy of a potential suspension of one year or more.

Often the Club will be charged with a similar offence based on the misconduct of the player, team official or spectator associated with the Club. In such cases, a Club representative is required to attend. For example, if it is alleged that a coach played an ineligible player, then it is likely that the Club will be charged with permitting an ineligible player to participate in a game on behalf of the Club.

Witnesses, Advisers, and Observers are NOT required to attend. If such individuals are not available the hearing will proceed as scheduled in their absence, unless the Accused is less than 18 years old and must be represented by an adviser. If a witness is a minor, it is recommended that a parent, legal guardian or an adult adviser attend the hearing. Certain Discipline panels will not permit a minor person to act as a witness, unless an adult is present.

6.2.2 Attendance:

Any OSA Registrant that is charged with an offence pursuant to the Rules & Regulations of a Club, League or District is required to attend a hearing scheduled by the applicable governing organization either in person or through a representative. If the Accused(s) is unable to attend the hearing, they may designate a representative to attend on their behalf by signed a written proxy identifying the named representative.

6.2.3 Proxies:

Proxy forms may be provided by the governing organization, but if not it is recommended that they include the following information in legible print:

- (i) the name of the accused;
- (ii) the date, time, and location of the hearing;
- (iii) the case number (if applicable);
- (iv) the name of the designated representative; and
- (v) the signature of the accused.

If you select a representative to attend as a proxy, it is strongly that this person be 18 years old or older and that they be a witness to what is alleged to have occurred. If they were not present when the incident occurred then they will not be able to testify as a witness about the incident.

6.2.4 Adviser Re: Accused Youth:

If the accused is a youth, then they MUST be accompanied by an adult, who acts as an adviser. Any accused or participants (other than an observer) has the right to be accompanied by an adviser provided that the adviser is at least 18 years old and provided that they do NOT testify at the hearing as a witness. If an accused is a youth and they do NOT have an adviser, then the Hearing MUST be adjourned to a later date and the accused will be suspended from all soccer activity until they attend a subsequent hearing.

6.2.5 Failure to Attend:

If the Accused(s) does not attend a Hearing, then the Accused will be fined in accordance with the Schedule of Fee, Fines, Bonds and Penalties published by the Governing Organization. Furthermore, the Accused will be automatically suspended from ALL soccer activity until they request and attend a subsequent hearing. (See "Suspension From All Soccer Activity" below.

A request for a hearing must be in writing and must be signed and dated by the Accused(s).

If the Accused leaves the Hearing before it has been adjourned without the permission of the Discipline Committee Chair, then the same consequences will be imposed. In such case, if sufficient evidence was submitted prior to the departure of the Accused(s), then the Discipline Committee shall render a decision and issue a Notice of Decision.

6.2.6 Adjournments:

Any party required to attend a hearing may request ONE (1) postponement of a hearing. A written request to adjourn a hearing must be sent to the governing organization no later than FOUR (4) days before the scheduled hearing date.

This Request MUST state the reason for the request and must be accompanied by the Request for Postponement Fee established by the governing organization. If the request is denied, the prescribed fee will be refunded.

6.2.7 Rights of the Accused:

Prior to attending the Accused(s) MUST be advised of their rights to have an adviser, to bring witnesses and observers. They must also be advised of the powers and limitations regarding such rights.

1. Advisers:

Any person required to attend a Discipline Hearing is entitled to bring an adviser. Any player, team official or administrator charged with an offence or otherwise required to attend a hearing may select an adviser of their own choice. They are NOT required to be represented by a Club Representative.

The following qualifications, powers and limitations apply to persons who attend discipline hearings as an adviser:

- (i) Advisers must be EIGHTEEN (18) years of age or older;
- (ii) Advisers are permitted to advise any party required to attend a Discipline Hearing;
- (iii) Advisers may not act as a witness nor provide any testimony at any Discipline Hearing;
- (iv) Advisers may not question the competence of the game official(s);
- (v) Advisers may question a witness for clarification purposes only;
- (vi) Advisers MUST strictly follow all OSA Published Rules pertaining to Discipline Hearings;
- (vii) Advisers may not request an adjournment on the grounds that they do not know the Published Rules; and
- (viii) Advisers may make final submissions on behalf of the Accused.

A lawyer may be selected by an Accused to act as their adviser, provided that they comply with the OSA's Published Rules concerning the discipline process. The OSA's discipline procedures are not consistent with the normal procedures familiar to lawyers. A disciplinary hearing will not be adjourned simply because an adviser is not familiar with the disciplinary procedures or they require additional time to prepare for the hearing.

Anyone who selects a lawyer as an adviser is responsible for the payment of all legal fees or disbursements. Under no circumstances will the Club pay for any such fees or costs.

An Accused or other person required to attend a hearing may select a Club Representative to act as their adviser, but they should be aware that not all Club Representatives are Certified Discipline Chairs and it is not guaranteed that:

- (a) every applicable objection will be raised;
- (b) the hearing strategy will be effective;
- (c) all of the procedural rules will be followed;
- (d) all relevant questions will be asked;
- (e) the hearing will be conducted in accordance with the OSA's Published Rules;
- (f) the optimum final submissions will be given; or
- (g) the outcome of the hearing will be favourable.

Remember, a hearing is being held as a result of the alleged misconduct of the accused registrant and not because of the actions of the Club or the Club representative.

2. Witnesses:

Any person required to attend a Discipline Hearing is entitled to bring witnesses.

The following qualifications, powers and limitations apply to persons who attend discipline hearings as a witness:

- (i) Witnesses must appear in person. Written reports by witnesses are not acceptable, unless they attend in person;
- (ii) There is no limit to the number of witnesses allowed, but they must add new testimony. The Discipline Chair can limit the number of witnesses giving testimony if it is repetitious;
- (iii) Witnesses **MUST** leave the hearing room after the Discipline Chair advises all parties present what charges are to be considered and after the Misconduct Report is read;
- (iv) Witnesses are called to testify in the order determined by the applicable party or the Chair;
- (v) Witnesses may remain in the hearing room after testifying but must remain quiet unless the Chair permits them to speak. If the witness chooses to leave, then they **MUST** leave the building;
- (vi) Witnesses must answer any questions posed by the Discipline Committee or by any other party or by their advisers provided that all such questions are posed through the Chair; and
- (vii) Witnesses may **NOT** ask questions of other witnesses and may **NOT** act as an adviser to any other party during the hearing.

3. Observers:

Any person required to attend a Discipline Hearing is entitled to have a maximum of two observers in attendance at the Hearing to ensure that the specific party receives a fair hearing.

The following limitations apply to any person who attends a discipline hearing as an observer:

- (i) Observers may not act as a witness nor provide any testimony;
- (ii) Observers may not act as an adviser to any party at the hearing;
- (iii) Observers may only speak with the permission of the Discipline Chair.

Observers who do not comply with these restrictions may be required by the Chair to leave the hearing room and must depart before the hearing is continued.

4. Representatives:

Any Club, Referee Association or League is entitled to send a representative to any hearing that involves a player(s), team official(s), administrator(s) or game official(s) associated with their organization.

Representatives may act as advisers or observers.

A Representative is subject to all qualifications, powers and limitations that apply to witnesses, advisers or observers depending on the capacity that they choose to assume at the commencement of the Hearing.

6.2.8 Discipline Hearing Panel:

A Discipline Hearing Panel shall consist of at least three members:

- (i) the Chair ;
- (ii) the Recording Secretary; and
- (iii) a third member.

The Chair of the Discipline Hearing Panel must hold a current Level 1 Discipline Certification.

Members of Discipline Hearing Panels should be carefully selected to ensure that they:

- (a) do NOT have a significant relationship with any of the affected parties;
- (b) are NOT involved with the misconduct being considered; and
- (c) are free from any other actual or perceived bias or conflict.

6.2.9 Hearing Procedures:

When the Hearing starts, all parties are present and the names and the capacity of everyone in attendance is recorded. The Chair then explains the discipline process and the rights and limitations of all parties based on their status either as witnesses, advisers, observers or representatives. The charges against the Accused(s) MUST then be read from the "Notice of Hearing", as well as any other reports the charges are based on. All witnesses must then leave the hearing room.

If the Discipline Panel fails to record the names of all persons in attendance or their status, it is recommended that the Accused request that this be done. It is recommended that the Accused take notes and record who is in attendance and their status at the hearing.

If the Chair fails to:

- (i) advise all persons present what charge(s) have been laid against the Accused;
- (ii) read the Misconduct Report(s);
- (iii) advise everyone of the powers and limitations of advisers, witnesses, or observers; or
- (iv) instruct advisers that they may not testify and must comply with the procedures described in the OSA's Published Rules;

these deficiencies should be recorded in written notes by the Accused.

The Accused or their adviser should object if any of the following occurs (unless a waiver has been signed):

- (a) a member of the Discipline Panel has an actual or perceived conflict of interest;

- (b) the Discipline Panel does not consist of three members;
- (c) proper notice of the hearing was not received by the Accused;
- (d) a witness or observer does not leave the room when asked to do so;
- (e) a witness acts as an adviser;
- (f) a witness or adviser answers questions on behalf of a witness;
- (g) an adviser does not ask questions through the Chair;
- (h) an observer speaks when they have not been permitted to do so by the Chair;
- (i) a written statement is submitted into evidence, if the writer isn't present as a witness;
- (j) a misconduct report is submitted into evidence, if it was not provided to the Accused at least THIRTY (30) minutes before the start of the Hearing;
- (k) the governing organization will be conducting a separate hearing with another accused regarding the same incident;
- (l) another different Misconduct Report exists regarding another accused involved in the same incident and this Misconduct Report was not provided to the Accused at least THIRTY (30) minutes prior to the start of the Hearing; or
- (m) the Discipline Panel considers or introduces documents that were not provided to the Accused with the Notice of Hearing.

The Discipline Chair is required by the Ontario Soccer 's Published Rules to uphold any objection if the objection is consistent with the Published Rules.

If the Game Official(s), OSA Registrant(s) or Third Party Complainant(s) who wrote the Misconduct Report(s) are present, then they are permitted to qualify or add to their report(s). The Accused (or their adviser) may then question the witness(es) submitting the report(s) or, in their absence, they can question the report itself. All questions must be directed through the Discipline Chair.

The only complainant who may NOT be required to attend a hearing and testify as a witness is a game official, unless the hearing has been convened to consider a charge of referee assault or the accused faces a potential suspension of one (1) year or more.

Written witness statements or e-mails may not be introduced into evidence unless the witness is present at the hearing. If such a document is introduced by the Complainant, the Accused or their adviser should object.

Witnesses are then brought in, one at a time, at the request of either party or the Discipline Panel. Witnesses are questioned by the Discipline Panel and not directly by the accused. or an adviser or Club representative.

If you believe that a relevant question has not been asked, write down the question and when the panel has completed the questioning of the witness, request that the Chair propose the question to the witness on your behalf. It is solely within the discretion of the Chair, whether or not to allow your question to be considered. It is recommended that you record any refusal by the Chair to allow a relevant question, since this could constitute grounds for an appeal.

After giving testimony, witnesses may remain in the hearing room. If they leave, the Discipline Panel must ensure that they leave the building and do not speak to any other witnesses that have not yet testified.

The Accused and their witnesses testify after the complainant and their witnesses, provided that their testimony is relevant to the charge(s). Members of the Discipline Panel may then question the Accused or any witness giving evidence.

If, at any time during the hearing, The Discipline Panel determines that evidence from an absent witness may be crucial to the decision, the Chair MUST adjourn the hearing and reschedule it to a later date subject to proper notice or to an earlier date selected by mutual consent of the parties. If this doesn't occur include this concern in your notes.

After all witnesses have testified and all questions have been asked, then the Accused(s) and Complainant(s) shall have the right to make final submissions to the Discipline Panel. Generally, this allows the complainant to confirm their position and recommend the preferred outcome and it provides the opportunity for the Accused or their Adviser to indicate why the Accused should be found "Not Guilty". After all submissions have been made, the Chair will declare the hearing recessed and notify all parties of their "Rights of Appeal".

At this time, everyone except the Members of the Discipline Panel must leave the hearing room. The Discipline Panel shall then consider the evidence and shall, wherever possible, arrive at a decision prior to adjourning.

If the Discipline Panel determines that further investigation is required, they must notify all affected parties to that effect within FIFTEEN (15) days. If a subsequent hearing is required, then all parties must be given FIFTEEN (15) days written notice of the hearing or sign waivers to convene the hearing on an earlier date. All persons required to attend the original hearing shall be required to be present at the subsequent hearing.

If the Discipline Panel considers that (additional) charges should be laid against any registrant or registered organization as a result of new evidence, then the "new" charges must be dealt with at a subsequent hearing by the appropriate governing organization.

6.2.10 Lesser Included Offences:

The Accused(s) or their advisers are advised to review Article 9.9.1 of Policy 12 to verify if a lesser included offence applies to the offence(s) charged. If the evidence supports a finding of guilt for a lesser included offence, then the Discipline Panel has the right to find the Accused guilty of a less serious charge and can impose a lower penalty. Depending on the strength of the evidence against the Accused heard or submitted during the Hearing, it may be advisable to recommend to the Discipline Panel that the lesser offence is a more appropriate penalty if they choose to find the Accused guilty.

6.2.11 Multiple Offences:

If multiple discipline cases involving two or more individuals/organizations and relating to the same incident, the Discipline Panel may hear the cases concurrently in a single hearing. In such case, all of the Accused parties shall individually be given the same rights and responsibilities as a single Accused individual/organization.

6.2.12 Recordings, Photographs & Audio Visual Technology:

Most Discipline Hearings are recorded by the governing organization. The proceedings may also be recorded by any other party to the Hearing. Everyone participating in the Discipline Hearing **MUST** be advised that the Hearing is being recorded.

Copies of any recordings made by the governing organizations will not be provided to the Accused or any other affected party and are only created for the benefit of the governing organization. In certain instances, a copy or transcript of the recording may be requested by the higher governing organization that hears any appeal of the decision.

It is recommended that the Accused bring a recording device to the hearing to create their own record of the proceedings.

Videotape or photographic evidence is acceptable provided it substantiates verbal evidence given by any party. Videotape evidence that simply shows errors made by the Referee shall **NOT** be permitted or considered by the Discipline Panel. Videotape evidence that shows possible identification errors by the Referee are allowed.

7. Notice of Decision:

A Notice of the Decision and Findings and notice of any applicable suspension or fine imposed on the Accused(s) must be sent by mail, fax, e-mail to the Club and to the affected party (if contact information is available to the governing organization) within FIFTEEN (15) days after the Hearing.

If a player is found guilty of an offence, Notice of the Decision will be effective if it is sent to the Club and/or a Team Official. If the Accused is a Team Official, then the Notice of Decision is sent directly to the Accused and/ or the Club.

Suspensions must be served and fines must be paid regardless of whether the Decision is appealed to a higher governing organization. Any person who has been suspended as a result of a discipline hearing shall not take part in soccer related activities until the completion of his/her sentence. This is intended to discourage frivolous or unwarranted appeals.

8. Rights of Appeal:

Information concerning Rights of Appeal by any affected party must be given by the Chair prior to the conclusion of the hearing testimony and submissions.

“Rights of Appeal Information”, MUST include the following information:

- (i) The name and address of the organization to which the Appeal must be sent;
- (ii) The amount of the appeal fee;
- (iii) The criteria for the specific grounds for appeal;
- (iv) Which organizations must receive a copy of the appeal; and
- (v) The method of delivery for both the appeal and the fee.

9. Penalties:

If the Accused is found Guilty, then the penalty prescribed in Procedure 9.0 must be applied. The severity of the Penalty depends upon the seriousness of the offence. If there is a range of suspension penalties then the suspension determined by the Discipline Panel is intended to reflect the findings and their view of the Accused's intentions in respect of the misconduct.

The Penalty that applies depends upon the number of similar violations that the Accused has been found guilty of and that have occurred during the same season. Increased penalties must be imposed by the Discipline Panel for the second, third or additional seasonal offences for the same charge.

9.1 Fines:

All Fines, hearing fees, or bonds, MUST be paid by the Player (or their parents), Team Official or Team that was found guilty of the offence. Any fines, fees or bonds imposed on the Club must also be paid by the Accused. If any fines, fees, or bonds are imposed on the Club as a result of the misconduct of a player, team official or team, then the amounts paid must be reimbursed forthwith by the Registrant. Failure to pay any such amounts will affect team bonds and could result in the de-registration of the player, team official or team by the Club.

All Fines, Fees, or bonds must be paid forthwith regardless of whether or not the Accused intends to appeal the decision.

9.2 Suspensions:

Any Suspensions imposed on a Registrant must be served immediately or as directed by the Discipline Panel and/or governing organization. Suspensions must be served regardless of any intention to appeal the decision. This is intended to discourage frivolous and unsubstantiated appeals. Suspensions may relate to a fixed number of games that are identified by game number or a suspension may relate to all soccer activity for a fixed period of time indicated by dates and not by game number.

Unless the Accused is suspended from all soccer activity, the suspension may only apply to competitions organized by the governing body. For example, a suspension specific to league play would not affect participation in a tournament.

Unserviced suspensions that relate to outdoor soccer carry over to the following season. Suspensions related to outdoor soccer do not affect indoor soccer and vice versa. Suspensions may however carry over to other leagues or competitions.

9.3 Suspension from All Soccer Activity:

If a Registrant is suspended from ALL soccer activity, this means that the suspended registrant may NOT participate in any practice, club/ team training program, league game, exhibition game, tournament game, League Cup or Ontario Cup game in any capacity whatsoever, either as a player, coach, team manager, administrator, or game official. This includes games or tournaments with any sanctioned club or soccer organization located in Ontario, Canada or any other FIFA sanctioned soccer organization, including any OSA Recognized Non-Club Academies, such as TFC, Bryst, Sigma FC, etc...

If the Accused has been suspended prior to the hearing, they should indicate to the panel the length and duration of this suspension and the number of games missed by the Accused. Depending upon the outcome of the hearing, the Accused is entitled to credit for any suspension that has already been served.

9.3.1 Players:

During any suspension period that does not relate to specific games, suspended players may NOT:

- (i) participate in any team practices or training sessions;
- (ii) play in any sanctioned league games or tournaments,
- (iii) act as a coach or team manager of any team registered with the OSA;
- (iv) enter the field of play;
- (v) sit on the player bench located in the Technical Area during the suspension; or
- (vi) act as an administrator of any OSA sanctioned soccer organization; or
- (vii) act as a game official.

Suspended players MAY:

- (viii) practice on their own;
- (ix) practice or scrimmage with a one or more team-mates provided the event is not arranged or supervised by the team coach, a club administrator, or the Club; and
- (x) attend games, practices, or tournaments, as a spectator or observer, provided that they do NOT participate in any way.

9.3.2 Coaches:

If the Registrant is a Coach and the suspension is for a specified time period, then during their suspension, they may NOT:

- (i) coach or manage their team at any practice, training session, or game;
- (ii) instruct players or other team officials regarding the competition before, during, or after the game;
- (iii) communicate with players or team officials about the game verbally, or via e-mail or cell phone;
- (iv) sit in the technical area or enter the field of play before, during or after a game, practice, or training session;
- (v) play as a player in any OSA sanctioned club or multi-jurisdictional league or in any house league, district or regional league game, or tournament;
- (vi) act as an administrator of any soccer club, league or other governing organization; or
- (vii) act as game official at any league, tournament or exhibition game .

Suspended coaches MAY attend games, practices, or tournaments, provided that they do NOT participate in any way. It is recommended that suspended coaches sit silently with the spectators; refrain from entering the field at any time; and refrain from providing any coaching instructions to any player or team official at any time or by any means (e-mail, cell phone, text message, instant messaging service).

9.3.3 Administrators:

If the Registrant is a Club Administrator, and they are suspended for a fixed time period, then during their suspension they may not participate or conduct any duties as an active officer or director of an OSA sanctioned club, league, or district. They must also refrain from participating as a player, coach or game official in any practice, league game, exhibition game, tournament game or other competition.

10. Game Officials:

In all cases of alleged or attempted physical assault of a game official by a player, team official, parent, or administrator the Accused shall be suspended from all soccer activity until the case has been dealt with by the District's Discipline Committee.

All discipline hearings that relate to a Club Registrant and involve a Referee (such as Referee "No Shows" or Referee Assaults) is conducted by the Peel Halton Soccer Association and any such discipline hearings are deemed to be OSA discipline hearings.

Game Official(s) are required to attend all hearings that involve an alleged Referee Assault. Game Official(s) must also attend a Discipline Hearing, if they are requested to do so by the Discipline Hearing Panel.

Any reasonable expenses incurred by the referee to attend the hearing shall be reimbursed by the Governing Organization handling such a case. Any Game Official required to attend a hearing who requires an adjournment does not have to pay the "Request For Postponement Fee" unless he/she is the Accused.

Game Official(s) must attend Discipline Hearings, if the penalty for a finding of guilt could result in a mandatory penalty of ONE (1) year or greater.

Failure to appear at a Hearings by a Referee, after taking their initial pre-emptory adjournment could result in the charges against the Accused being dropped.

11. Game Protests:

Game Protests must be filed with the applicable governing organization within the time period specified in the Rules & Regulations of the governing organization that organized the competition.

Game Protest Fees MUST be paid by the Team that files the Protest within the time period specified by the applicable governing organization. Game Protest Fees will not be paid by the Club under any circumstances. Game Protest Fees will be refunded by the applicable league or governing organization, if the Protest is upheld. Game Protest Fees are forfeited if the Protest is denied.

League	Deadline	Protest Fee
Ontario Youth Soccer League	48 hours	\$250.00
PHDL Youth League	48 Hours	\$300.00
Golden Horseshoe Soccer League	48 Hours	\$300.00
PHDL Adult League	48 Hours	\$300.00

Game Protests must NOT relate to any decisions made by the Game Official. Decisions by Game Officials are NOT reviewable under any circumstances.

Game Protests may only relate to a violation of the OSA's Published Rules or the Rules & Regulations of the governing organization that organized the competition.

Game Protests should include the following:

- (a) the date, time and location where the game was played;
- (b) the game number (if applicable);
- (c) the name of the opposing team;
- (d) a statement indicating the Rule(s) that were infringed;
- (e) a concise and complete statement of the facts indicating how the Rule(s) were to infringed and what consequences should apply;
- (f) copies of all documents or other evidence that relate to the protested game (ie. Game Sheets, Dismissal Reports, Special Incident Reports, photographs, videos, etc...);
- (g) the Rule(s) relied upon by the Team to protest the game; and
- (h) the remedy being sought, namely:

- (i) that the game should be forfeited by the opposing team;
- (ii) the score that should be awarded based on the applicable rules; and
- (iii) the points that should be awarded to the Team that filed the Game Protest.

It is recommended that Game Protest Fees be paid by certified cheque, bank draft or money order.

Game Protests MUST be duly signed by a Team Official and an Authorized Club Representative. It's recommended that Game Protests be submitted to the applicable governing organization by the Club.

12. Appeals:

Any Player, Coach, Team, Club, or District who wants to appeal a decision made by a governing organization that affects them must seek leave to appeal from the higher level governing organization.

The Appeal Fee (based on the Governing Organization's published schedule of fees, fines, bonds, and penalties) MUST be paid and an Application for "Leave to Appeal" MUST be filed with the higher level governing organization within the time period specified in the Rights of Appeal. The Application for Leave to Appeal must be signed by the Appellant or by their authorized representative.

The time period to appeal a decision only begins after the Notice of Decision, the Findings and the Rights of Appeal have been received by the affected party. All time-lines that relate to Appeals are determined by the express Rules & Regulations of the Governing Organization to whom the Appeal is being filed. Time periods vary from organization to organization.

It is recommended that any potential Applicant check the Rules & Regulations of the higher level governing organization to determine the applicable deadlines.

Decision-Maker:	Appeal Body:	Appeal Fee:	Appeal Period
Erin Mills Soccer Club	Peel Halton Soccer Assoc.	\$ 50.00	14 Days
PHSA	Ontario Soccer Assoc.	\$ 500.00	14 Days
Ontario Soccer Assoc.	Canadian Soccer Assoc.	\$1,500.00.	10 Days

An Application for Leave to Appeal may be submitted by any affected party and must be duly signed by the Applicant. It is recommended that any such Application be submitted to the applicable governing organization by the affected party and by the Club as Co-Applicants. The Application for Leave to Appeal should be submitted on Club letterhead, signed by a duly authorized Club Representative.

12.1 Appeal Fees:

Any outstanding fine, fee, bond or penalty related to the decision being appealed MUST be paid prior to the submission of an appeal. Appeal Fees should be paid by certified cheque, bank draft or money order.

ALL Appeal Fees or fines, bonds, or penalties MUST be paid by the Player, Coach, Team Official or Team seeking to Appeal the Decision. Appeal Fees will NOT be paid by the Club.

To file an appeal, the Player, Coach, Team Official or Team MUST repay the Club for any fine/ penalty or replenish any team bond reduced to pay any such amount.

If an appeal is being filed because the fine, fee, bond or penalty is excessive, then the fee/fine or \$500.00 (whichever is less) MUST be paid in trust to the next higher Governing Organization together with the normal appeal fee. If the appeal is upheld, this amount will be refunded to the Appellant. Otherwise it will be applied to the original fee/fine and the balance of that fee/fine MUST be paid forthwith to the Governing Organization that levied the fine, fee, bond or penalty being appealed.

12.2 Application For Leave To Appeal:

An Application seeking *leave to appeal* must include writing notice of the following:

- a) the name and contact information of the Appellant(s);
- b) the name and contact information of the governing organization that made the decision that is being appealed;
- c) notice of the Appellant's intention to appeal the decision;
- d) a statement regarding the grounds for the appeal;
- e) copies of all evidence including documents, statements, photographs, videos or other recordings that that supports these grounds of appeal;
- f) the names of any witnesses
- g) the remedy or remedies requested by the Appellant
- h) a copy of the written decision being appealed, or the Appellant's understanding of the decision (if the decision has not been received, in writing, by the *Appellant*); and
- i) Evidence that any outstanding fine, fee or bond has been paid.

12.3 Matters Not Subject To Appeal:

Not every decision may be appealed. In certain cases, decisions regarding competitions such as game forfeitures or game protests are deemed to be final and binding and are not subject to appeal.

The OSA's Appeal Policy does NOT apply to decisions related to the following matters:

- a) Matters of employment;
- b) Infractions for doping offences, which are dealt with under the Canadian Anti-Doping Program;
- c) The FIFA Laws of the Game;
- d) Discipline matters and penalties imposed under the Discipline by Review process if the accused opted to accept the standard penalty and did not request a Discipline Hearing;
- e) Matters relating to the substance, content & establishment of team selection criteria;
- f) Volunteer appointments and the withdrawal of those appointments by the Club's Directors;
- g) Matters of budgeting and budget implementation;
- h) Matters of operational structure and committees; or
- i) Matters that should be addressed by the OSA's Dispute Resolution Policy

12.4 Grounds of Appeal:

Decisions may only be appealed, and appeals may only be heard, upon the following grounds:

- a) Making a decision for which the *Respondent* did not have authority or jurisdiction as set out in applicable governing documents;
- b) New facts that 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 Published Rules; or
- e) Making a decision that was influenced by bias;
- f) Alleged excessive fine, fee, penalty or bond.

It is recommended that the Application for Leave to Appeal contains the following:

- (i) a Statement of Facts that describes all pertinent and relevant facts;
- (ii) a List of Evidence that describes all evidence relied upon by the Appellant;
- (iii) a Statement of Witnesses listing all persons who may provide relevant testimony related to the Appeal;
- (iv) a List of all Applicable Rules;
- (v) a copy of every applicable rule or policy relied upon by the Applicant; and
- (vi) a Statement of all arguments and submissions in support of each ground of appeal described in the Application for Leave to Appeal.

It is recommended that a Certified Discipline Chair be consulted by the Appellant to review the Application before it is filed. Assistance in this regard may be provided by the Club, the District Association, the Ontario Soccer Association, or the Canadian Soccer Association, as the case may be. Enquiries to the Club or to the District should be addressed to the designated Discipline Chair, any enquiries to the OSA should be directed to the Appeals Case Manager, and any enquiries to the CSA should be directed to the Secretary of the CSA Appeals Committee.

12.5 Appeal Procedure:

Once an Application seeking leave to appeal is filed, the applicable governing organization will review the Application to determine whether to grant leave to appeal. The time period for this review process will vary based on the rules & regulations of the applicable governing organization. Written Notice of the Decision will be sent to the Applicant within the time period specified under their rules & regulations.

12.5.1 Granting of Leave:

Once an Application seeking leave to appeal is filed, the applicable governing organization will review the Application to determine:

- (i) whether the Application is complete;

- (ii) whether the Appeal Fee has been paid;
- (iii) whether any outstanding fines, fees, or bonds have been paid or a suitable trust deposit has been paid;
- (iv) whether the Appeal relates to a matter that is subject to Appeal;
- (v) whether the Appeal is based upon acceptable grounds of appeal;
- (vi) whether the Application for Leave to Appeal has sufficient merit to warrant an Appeal Hearing; and
- (vii) whether the Appeal requires an actual hearing or can be determined on a documentary basis.

12.5.2 Responding Materials:

If Leave to Appeal is granted, the governing organization will send Notice of the Appeal to the governing organization that made the initial decision being appealed (the "Respondent"). The Respondent will have a fixed time period to prepare responding materials which will consist of a response with evidence and submissions in response to the grounds of appeal relied upon by the Appellant.

The Appellant will be entitled to receive a copy of these responding materials and will then have the opportunity to submit a written reply within a specified time period to the governing organization conducting the appeal and the Respondent and this Reply permits the Appellant to respond to the Respondent written statement, evidence and submissions.

12.5.3 Appeal Hearing:

In view of the time and expense of conducting a hearing with testimony and argument, the governing organization hearing the appeal will generally determine the appeal on a documentary basis, unless there is new evidence that needs to be heard that was not known or available when the initial hearing occurred or if a hearing is requested by one of the parties.

An Appeal Hearing is NOT a hearing "*de novo*" whereby the original charge(s) are re-heard and witness testimony or other evidence concerning the incident that gave rise to the charge(s) is re-considered by the Appeal Panel.

An Appeal Hearing is only concerned with determining the validity of the grounds of appeal raised by the Appellant, namely:

- a) Did the *Respondent* have the authority or jurisdiction to make the decision that is being appealed;
- b) Are there new facts that were not available when the decision was made that would have changed the decision made in the original hearing;
- c) Did the Respondent fail to properly interpret the relevant Published Rules;
- d) Did the Respondent fail to follow procedures as laid out in the relevant Published Rules;
- e) Was the decision was influenced by bias; or
- f) Was the fine(s), fee(s), penalty or bond(s) imposed on the Accused excessive.

12.5.4 Notice of Decision

After the Appeal Hearing has been conducted, either through an actual hearing or on a documentary basis, the Appeal Committee of the governing organization will issue a Notice of Decision to the Appellant, the Respondent and any other affected parties.

The Notice of Decision will:

- (i) describe the finding of the Appeal Committee;
- (ii) indicate if the Appeal is upheld or denied, either in whole or in part;
- (iii) indicate if the Appeal Fee will be repaid, either in whole or in part; and
- (iv) include the Rights of Appeal of any affected party to a higher level of governing organization.

In some cases, an Appeal Panel may have the power to change the penalty imposed by the original Discipline Panel. The penalty may be increased if it is less than the minimum applicable penalty. If the Rule provides for a range of suspension, then an Appeal Panel may increase or decrease the penalty based upon the evidence submitted in the Appeal. This power only applies if it is expressly provided for in the Rules & Regulations of the applicable governing organization.

Appeal fees are intended to discourage unsubstantiated or frivolous appeals. If an Appeal is unsuccessful, then the Appeal Fee will normally be forfeited. However, in certain cases, the Appeal Panel has discretion to refund all or part of the Appeal Fee, as they see fit.

12.5.5 Rights of Appeal:

The Rights of Appeal will:

- (i) state the name and address of the governing organization to whom leave to appeal may be filed;
- (ii) state the amount of the Appeal Fee;
- (iii) state the amount of the applicable Appeal Fee; and
- (iv) indicate the time period when an Application for Leave to Appeal must be filed and the Appeal Fee must be paid.

IF THERE IS ANY DIFFERENCE BETWEEN THE INFORMATION IN THIS CLUB POLICY AND ONTARIO SOCCER'S DISCIPLINE POLICY 12 OR APPEAL POLICY 13, THEN THE PUBLISHED RULES PREVAIL