

2018 DISCIPLINE POLICY REVISIONS – RE CSA CODE

DISCIPLINE POLICY OF SOCCER NOVA SCOTIA

1.0 GENERAL

1.1 The Discipline and Appeals Committee is a Standing Committee of Soccer Nova Scotia whose mandate includes, but is not limited to:

- a) appointing committees to hear:
 - i. discipline cases that are the exclusive jurisdiction of the Discipline and Appeals Committee;
 - ii. appeals of discipline decisions of hearing committees appointed by the Discipline and Appeals Committee;
 - iii. appeals of discipline decisions of the committees of Districts, leagues and other competitions;
 - iv. appeals of decisions of the Referees' Committee in respect of a referees registration pursuant to the Referee Policy.
 - v. appeals of the decisions of Boards of districts, clubs, leagues, referee associations or other governing bodies.
 - vi. appeals involving exemptions to Soccer Nova Scotia Policies and Procedures.
 - vii. appeals of suspensions pursuant to section 5.5.
- b) providing direction to all Soccer Nova Scotia sanctioned competition discipline committees, district discipline committees and the referee ethics committee.
- c) providing recommendations to the Board of Soccer Nova Scotia on the content of this Discipline Policy.

1.2 All players, coaches, team officials, clubs, Districts and Leagues (including their officers and staff) are subject to discipline pursuant to this Policy.

1.3 Every Club is responsible for the action of its players, officials and spectators. Players, officials and spectators may only take part in or attend games on condition that they observe the CSA and SNS rules, regulations and policies.

1.4 Every Club and League is required to take every precaution to prevent players, officials, and spectators from threatening or assaulting anyone present at competitions, particularly referees and officials. Clubs and Leagues are expected to provide security for players and match officials.

1.5 Every Club and League is required to take all precautions necessary to prevent match manipulation.

1.6 The suspensions of or the levying of fines against players or members by CSA or other provinces shall be respected by SNS and shall be applied or continued or enforced in Nova Scotia should said player or member apply for membership of a league or Club under the jurisdiction of Soccer Nova Scotia.

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1.7 Districts and Leagues shall ensure that their disciplinary Rules, Regulations, Policies and Procedures are consistent with this Policy, provided that they may provide for standard penalties greater than the Standard Penalties.

1.8 In this Policy:

- a) “Competition” means each of a tournament, an exhibition game, a winter league season, a summer league season, league playoffs and a Provincial championship tournament.
- b) “Complainant” means the person or organization that files a discipline complaint;
- c) “Discipline Hearing Committee” means a committee appointed by the Discipline and Appeals Committee or a District or League pursuant to this Policy to hear a discipline complaint;
- d) “Game Official” includes a registered Referee, accredited Assessor or appointed Supervisor of officials.
- e) “Misconduct Report” includes a Player Dismissal Form, a Special Incident Report and a Team Official Dismissal Form, and other like forms.
- f) “Official” includes anyone, with the exception of players, performing an activity connected with soccer for an Association, District or Club, as described in the Canada Soccer Disciplinary Code.
- g) “Respondent” means the person or organization that is the subject of a discipline complaint;
- h) “Standard Penalties” means the penalties for players, coaches or managers for the various offences as set out at the end of this Policy.

2.0 JURISDICTION OF DISCIPLINE AND APPEALS COMMITTEE, DISTRICTS AND LEAGUES

2.1 The Discipline and Appeals Committee shall have exclusive jurisdiction to hear complaints in the following circumstances:

- a) Misconduct towards any game official by any person involving physical contact, attempted physical contact or threatening behaviour;
- b) Misconduct involving physical assault, attempted physical assault or threatening behavior;
- c) Misconduct for which the Standard Penalties require a hearing before the Discipline and Appeals Committee.
- d) Misconduct by any person arising from participation in National or Regional Competitions;
- e) Misconduct by any District, Referee Association, Provincial or Inter-District League, or their officers and officials;
- f) Misconduct arising from any international event (in or out of Canada) where participation is given prior approval by Soccer Nova Scotia;

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- g) A Complaint filed by Soccer Nova Scotia pursuant to section 5.1 (e), and any other matter directly related to Soccer Nova Scotia that Soccer Nova Scotia, in its sole discretion, deems should be dealt with by the Discipline and Appeals Committee;
- h) Misconduct involving a breach of the Canada Soccer Code of Conduct and Ethics (other than harassment) filed by the Ethics Committee in accordance with the Ethics Policy.
- i) Misconduct involving a complaint of harassment under the Canada Soccer Code of Conduct and Ethics that the CSA body hearing the complaint has referred to the Discipline and Appeals Committee.
- j) For greater certainty, Misconduct as defined in Section 4.

2.2 The Discipline and Appeals Committee may delegate any portion of its jurisdiction to a District or League.

2.3 The Discipline and Appeals Committee shall have exclusive jurisdiction to hear appeals as provided in section 10.1.

2.4 The Discipline Committee of Districts, Leagues or tournaments shall have jurisdiction to deal with misconduct by any of their clubs, players, coaches or team officials, except for the circumstances set out in section 2.1. 2.5 The disposition of all discipline proceedings must be reported to Soccer Nova Scotia.

3.0 GENERAL PRINCIPLES

3.1 A person shall not participate as a member of a Discipline Hearing Committees if he or she has a real or reasonably perceived conflict of interest. The issue of whether a real or reasonably perceived conflict of interest exists, including conflicts relating to the Chair of the Discipline Hearing Committee shall be determined by the said Chair, which decision will be final and binding.

3.2 A person shall not participate as a member of a Discipline Hearing Committees if he or she is on the Board of Directors of Soccer Nova Scotia or is employed or contracted by, or has an immediate family member that is employed or contracted by, or holds any other official position at Soccer Nova Scotia.

3.2 Discipline hearings shall be closed proceedings, open only to the parties, their legal representative and a representative of the Soccer Nova Scotia Office. All information produced and exchanged is confidential. All written decisions are confidential, but may be made public at the discretion of Soccer Nova Scotia. 3.3 The Discipline Hearing Committee shall have control of the hearing and its process, including but not limited to excluding non-party witnesses other than during their testimony.

3.4 This Policy is intended to comply with the Canada Soccer Disciplinary Code, with the provisions of the latter to govern in the case of any inconsistency between the two.

4 MISCONDUCT – DEFINED

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4.1 Misconduct is:

- a) An act described in the Standard Penalties;
- b) Violating the Rules, Regulations, Bylaws, Codes or Policies of Canada Soccer Association, Soccer Nova Scotia (other than harassment) or a District or League;
- c) Committing any act, making any verbal or written statement or being responsible for conduct, continuing misconduct or any other matter which is unsportsmanlike, insulting or likely to bring the game into disrepute;
- d) Committing a criminal offence or a breach of human rights which in any way relates to or may impact a soccer activity;
- e) Betting on any game, other than as permitted by law.
- f) Offering or accepting, with a view to influencing the result of a game, consideration to or from any District, Club, League, player, team official or Game Official;
- g) Assisting or permitting any act described above.

5 FILING OF COMPLAINT

5.1 A Complaint of Misconduct may be made:

- a) For misconduct that occurs within a game, or for misconduct towards a game official whether or not it is within a game, by a Game Official, filing a Misconduct Report citing misconduct and the accompanying game sheet(s) with Soccer Nova Scotia, the League, the District and/or other competitions. For misconduct resulting in a discipline hearing, the report shall be regarded as the report to the Discipline Hearing Committee and in the event of any discrepancy in the evidence shall be considered authoritative regarding on field events. The Game Official may but is not required to attend at any discipline hearing unless the Discipline Hearing Committee deems it necessary. The decision of a Game Official pursuant to Law V, "Laws of the Games", is final.
- b) For serious misconduct that occurs within a game (defined as conduct that falls within Standard Penalties 1.13 – 1.15, 21., 2.2, 2.5) that escaped the attention of the Game Officials.
- c) For a breach of the Canada Soccer Code of Conduct and Ethics (other than harassment), by the Soccer Nova Scotia Ethics Committee.
- d) For all other acts of misconduct, by filing a written complaint of misconduct with Soccer Nova Scotia and the President of the District or League concerned. The written complaint shall contain a statement of the alleged facts and the relevant bylaw or policy allegedly breached. Each complaint shall be accompanied by a \$275.00 fee payable to Soccer Nova Scotia in the form of a certified cheque or money order. In the event the complaint is upheld, the fee is refundable.

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e) For any form of misconduct, by the Executive Director of Soccer Nova Scotia by filing a written complaint of misconduct with Soccer Nova Scotia and the President of the District or League concerned, at any time. The written complaint shall contain a statement of the alleged facts and the relevant bylaw or policy allegedly breached.

e) Complaints pursuant to section 5.1(a) and (b) may not be brought more than 2 years after the game in question. Complaints pursuant to sections 5.1 (c) and (d), other than complaints of corruption, may not be brought more than 10 years after the alleged occurrence, provided however that the Discipline and Appeals Committee may extend the limitation in extenuating circumstances.

5.2 The acts described in the Standard Penalties that do not require a discipline hearing shall result in the immediate implementation of the penalty, with notice to the player, coach or manager. There shall be no appeal of a game official's decision to issue a card for such acts, except where it is alleged that the penalty is against the wrong player, and only if the issue is raised with the game official at the conclusion of the game, or if there has been an obvious error in the referee's disciplinary decision based on video evidence generated through a process approved by SNS. Such an appeal shall be regarded as a complaint for purposes of sections 2.4 and 6.0.

5.3 Soccer Nova Scotia, the League, the District, and / or other competitions, as the case may be, shall refer all complaints of misconduct requiring a discipline hearing to the Discipline Committee having jurisdiction.

5.4 The acts described in the Standard Penalties that require a discipline hearing on penalty shall result in the immediate suspension from applicable soccer activities (as described in 'Extent of Affected Activities') of the person(s) involved until such discipline hearing proceeding takes place. Immediate notice of such suspension shall be given to the Respondent by Soccer Nova Scotia, the League, the District and / or other competitions, as the case may be. At such hearings, the jurisdiction of the Discipline Hearing Committee is limited to determining the appropriate penalty. There shall be no appeal of a game official's decision to issue a card for such acts, except where it is alleged that the penalty is against the wrong player, and only if the issue is raised with the game official at the conclusion of the game.

5.5 Where a person has been charged in Criminal Court with an offence of moral turpitude involving youth, Soccer Nova Scotia shall suspend the person from all soccer activity until the case has been concluded in the Criminal Court. Immediate notice of such suspension shall be given to the person by Soccer Nova Scotia. Soccer Nova Scotia may decide if further proceedings are warranted pursuant to its Bylaws, Polices, and Procedures.

6.0 DISCIPLINE HEARINGS

6.1 Upon receiving a complaint, the Discipline Committee having jurisdiction shall:

a) Within 5 business days of receipt, subject to subsection (b), appoint a Discipline Hearing Committee having no less than three members, one of whom shall act as Chair and one of whom shall

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act as Recording Secretary. A non-voting Recording Secretary (not one of the Committee) may be appointed and shall be present for the whole discipline hearing. The Discipline and Appeal Committee may delegate the task of appointing a Discipline Hearing Committee to the Soccer Nova Scotia Office.

b) A Discipline Hearing Committee may have one member only if the sanctions pursuant to the Standard Penalties are for no more than a three match suspension, two month suspension or a \$250 fine.

c) The Discipline Hearing Committee shall immediately request the parties to provide the Discipline Hearing Committee and the other party(s) within 5 business days the evidence that they wish to rely on, such as but not limited to, Game Official and other reports, written declarations from the parties and witnesses, expert opinions and audio/video recordings, following which the parties shall have a further 5 days to provide reply evidence. The Discipline Hearing Committee shall then consider whether it can make a decision without an in-person hearing, in which case it shall provide a written decision within 45 business days of the complaint.

d) Should Discipline Hearing Committee decide that an in-person hearing is required, schedule a date for the hearing within 25 business days of the complaint, at a location within the district where the complaint arose, or such other location as determined by the Discipline Committee.

c) Provide at least 10 business days written notice of the hearing and a copy of the complaint to the Respondent and to the Complainant. Written notice delivered to the club on which a player is registered shall be deemed 'due notice' to the player. A copy of such notice shall also be sent to the governing body if the Respondent is one of their registered players or is acting as an official representative. Written notice may be provided by fax or email.

6.2 The Discipline Committee or the Discipline Hearing Committee may adjourn a discipline hearing or extend the timelines should the parties agree.

6.3 In the event the Respondent or his/her representative does not attend the discipline hearing, the Discipline Hearing Committee shall suspend the Respondent pending a further hearing.

6.4 In the event of a suspension for failing to attend a hearing, the Respondent may have a hearing by filing a written request to the Discipline Committee having jurisdiction together with a \$275 fee payable to Soccer Nova Scotia in the form of a certified cheque or money order.

6.4 Timelines and Notices

a) The Complainant or Respondent may request the postponement of a discipline hearing by writing the Discipline Committee having jurisdiction at least five (5) business days prior to the date of the discipline hearing. The Committee may grant or refuse the request, at its discretion.

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c) The Discipline Committee or Discipline Hearing Committee may extend or abridge the time for any notice, date or decision in this Policy should the parties agree.

6.5 Discipline Hearing Procedure

a) Both the Complainant and the Respondent have the right to be present at the hearing.

b) The parties may be accompanied by legal counsel only with the permission of the Discipline Committee having jurisdiction or the Discipline Hearing Committee. Subject to the foregoing, a governing body may be represented at the hearing by any member of its Executive.

c) The discipline hearing shall proceed as follows:

i) The Chair of the Discipline Hearing Committee shall read the report and state the complaint;

ii) The Complainant, if present, may amplify or qualify the complaint and call witnesses;

iii) The Respondent may make submissions on the report, testify on his/her own behalf and call witnesses.

iv) The Respondent and Complainant may ask questions of the other and their witnesses;

v) Any Discipline Hearing Committee member may question the parties or any witness;

vi) The Complainant and the Respondent may make final summations before withdrawing;

vii) The Discipline Hearing Committee shall consider the report and any further evidence provided, and shall either decide the case at the hearing, with a written decision to follow or adjourn to provide a written decision;

viii) The parties and affected club or competition shall be notified of the result in writing which notice may be provided by fax or email;

ix) All decisions are to be rendered by the Discipline Hearing Committee within fifteen (15) days of the discipline hearing unless an extension is granted. The failure of a Discipline Hearing Committee to render a decision within the time provided will not invalidate the proceedings.

x) All decisions must include the names of the Discipline Hearing Committee members, the names of the parties, the grounds for the decision, the facts on which the decision is based the decision itself the channels of appeal and are to be signed by the Chair of the Discipline Hearing Committee.

7.0 PUNISHMENT

7.1 Where the Standard Penalties require a discipline hearing on penalty, and otherwise when misconduct is proven, a Discipline Hearing Committee shall, if applicable, order the punishment prescribed by the Standard Penalties, and otherwise have the power to order a warning or

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admonishment, reprimand, return of award, a written apology, suspension, or fine, or any combination thereof, and/or any punishment that it deems just.

7.2 A Discipline Hearing Committee shall set timelines for the payment of any costs, fines or bonds, and may set further terms of punishment for non-compliance.

7.3 Costs are payable by the unsuccessful party based upon the tariffs approved by the Discipline and Appeals Committee.

7.4 Clubs are jointly liable for fines levied against their players and Officials.

8.0 EXTENT OF AFFECTED ACTIVITIES

8.1 Unless otherwise decided by a Discipline Hearing Committee, or specified in the Standard Penalties, all suspensions resulting from player-related incidents shall be from playing in all soccer competitions within the jurisdiction of Soccer Nova Scotia.

8.2 Unless otherwise decided by a Discipline Hearing Committee, or specified in the Standard Penalties, all suspensions resulting from coach-related or team official-related incidents shall be from coaching/team officiating in all soccer competitions within the jurisdiction of Soccer Nova Scotia.

8.3 Unless otherwise decided by a Discipline Hearing Committee, or specified in the Standard Penalties, all suspensions resulting from referee-related incidents shall be from refereeing in all soccer competitions within the jurisdiction of Soccer Nova Scotia.

8.4 A Discipline Hearing Committee may suspend any player, coach or team official from any or all soccer competition related activities within the jurisdiction of Soccer Nova Scotia. **The Referees' Committee** will be advised if the person suspended is also a referee.

9.0 SERVING OF PENALTIES

9.1 Offences falling under sections, 1.1 to 1.10 of the Standard Penalties must be served in the competition in which the misconduct occurred.

9.2 All suspensions referring to a number of games will be served in consecutive games played by the player's team, or as specified by the Discipline Hearing Committee.

9.3 All suspensions referring to a period of time (days, weeks, months, years) will be served from the time of the offence, or as specified by the Discipline Hearing Committee

9.4 Offences falling under sections, 1.11, 1.12, 1.14, 1.15, 2.4 and 2.5 of the Standard Penalties which occur in the final game of a tournament, or in an exhibition game, shall be referred to the League in which the player's registered team normally competes, and the League shall deal with any such misconduct as if it occurred in that League.

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9.5 Where a player receives cards or other suspensions for misconduct while playing on a team other than his/her registered team, such cards or suspensions apply to his/her registered team division, and she/he cannot play for any other team in any other competition until any suspensions resulting from such cards or actions has been served with his/her registered team.

9.6 All red cards shall be reported to Soccer Nova Scotia within 48 hours by the administrator of the competition.10.0 – APPEALS

10.1 RIGHT OF APPEAL

10.1.1 A Complainant or Respondent may appeal a decision of a Discipline Hearing Committee on the grounds of error in the interpretation of the Bylaws or the Policies or Procedures of Soccer Nova Scotia or of a League or District, failure to follow natural justice, error in the assessment of penalty or making a patently unreasonable decision.

10.1.2 A Complainant or referee may appeal a decision of the Referees' Committee pursuant to the Referee Policy.

10.1.3 An individual, club, League or District may appeal for an exemption to Soccer Nova Scotia Policies and Procedures.

10.1.4 An individual or club may appeal a decision of the of Board of a District, club, league, referee association or other governing body on the ground that the decision breaches the Bylaws or the Policies or Procedures of Soccer Nova Scotia or of a League, District, referee association or other governing body.

10.1.5 A player may appeal a card pursuant to Policy 5.2. The other player involved will be a Respondent in and may oppose the appeal.

10.1.6 An individual may appeal a suspension levied pursuant to section 5.5.

10.2 COMMENCEMENT OF APPEAL

10.2.1 An Appeal of a decision shall be commenced by an application for leave as follows:

a) By making an application for leave to appeal in writing to the Chief Executive Officer of Soccer Nova Scotia within seven (7) days of receipt of the said decision setting out:

i) The decision sought to be appealed;

ii) A concise statement of the facts; and

iii) A concise submission stating why the appeal should be upheld, including, if applicable, the alleged error in the interpretation of the applicable By-Law, Policy or Procedure.

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b) By forwarding with the said application, a certified cheque or money order payable to Soccer Nova Scotia in the amount of \$275.00 and copies of all relevant documents, bylaws, policies and procedures.

10.2.2 The Chief Executive Officer of Soccer Nova Scotia shall forward the application for leave to appeal to the Discipline and Appeals Committee.

10.2.3 Subject to section 10.2.4, the Discipline and Appeals Committee shall grant leave to appeal if the requirements of sections 10.1 and 10.2.1 are met and the appeal does not involve an interpretation of a By-Law, Policy or Procedure that has already been decided in writing by an Appeal Hearing Committee.

10.2.4 No application for leave to appeal shall be entertained in any matter arising out of a competition under the jurisdiction of a District whose rule provides that its decision in such matters shall be final and binding.

10.2.5 If leave to appeal is not granted, the Discipline and Appeals Committee shall provide written reasons for not granting leave.

10.2.6 Decisions of the Discipline and Appeals Committee, or an Appeal Hearing Committee, shall be final and binding, unless appealed to the Canadian Soccer Association within ten (10) days of receipt of decision.

10.3 NON-JURISDICTION APPEALS PROCEDURES

10.3.1 All appeals of a decision outside of the jurisdiction of Soccer Nova Scotia shall be made directly to the Canadian Soccer Association in accordance with CSA procedures.

10.4 APPEAL HEARINGS

10.4.1 The Discipline and Appeals Committee, upon granting leave, shall promptly:

a) Appoint an Appeal Hearing Committee having no less than three members, one of whom shall act as Chair and one of whom shall act as Recording Secretary. A non-voting Recording Secretary (not one of the Committee) may be appointed and shall be present for the whole appeal hearing.

b) Schedule a date for the hearing of the appeal at a location within the district where the Discipline Hearing was held or such other location as determined by the Discipline and Appeals Committee.

c) Provide ten (10) business days written notice of the appeal hearing together with a copy of the decision and the record of the proceeding leading to the decision to the Appellant and the Respondent. A copy of such notice shall also be sent to the competition, governing body or club (if the person complained against is one of their registered players or is acting as an official representative).

10.4.2 In the event the Respondent does not attend the appeal hearing, the hearing may proceed in his/her/its absence.

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10.4.3 Adjournment of an appeal hearing may be granted by the Discipline and Appeals Committee or the Appeal Hearing Committee on such terms as are reasonable.

10.5 APPEAL HEARING PROCEDURE

10.5.1 Both the Appellant and the Respondent have the right to be present at the hearing and may make written submissions in advance.

10.5.2 The parties may be accompanied by legal counsel only with the permission of the Discipline and Appeals Committee or the Appeal Hearing Committee. Subject to the foregoing, a governing body may be represented at the hearing by any member of its Executive.

10.5.3 The appeal hearing shall proceed as follows:

- a) The Appellant shall make oral and or written submissions;
- b) The Respondent shall make oral and or written submissions;
- c) Any Appeal Hearing Committee member may question the parties;
- d) The Appeal Hearing Committee shall consider the submissions and shall either decide the appeal at the hearing, or adjourn the hearing for a written decision to be rendered within ten (10) days of the hearing, unless an extension is granted. The failure of an Appeal Hearing Committee to render a decision within the time provided will not invalidate the proceedings.
- e) The person, club and affected competition or governing body involved in the appeal shall be notified of the result in writing.