



Kingston United Soccer Club
35 Terry Fox Drive, Suite 201
Kingston, ON K7M 8N4
Tel: 613.507.9760
www.kusc.ca
#DedicatedToDevelopment

Kingston United Soccer Club Dispute Resolution/Discipline and Complaints Policy

Dispute Resolution Introduction

The Kingston United Soccer Club strives to create a safe, respectful and fair environment for all parties involved in club activities. We are committed to taking all steps necessary in order to ensure that such an environment is created and maintained. We encourage all members and parties affiliated with the club and engaged in club activities to attempt to resolve any disputes in manner of good faith prior to following the procedures outlined in this policy. We understand however, that resolutions between two conflicting parties occasionally require intervention.

All Persons and participants who are applicable under the jurisdiction of this policy are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the Club's policies, bylaws, rules and regulations, and *Codes of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

The Kingston United Soccer club requests that any disputes within the scope of this *Dispute Resolution and Discipline/Complaints Policy* be brought to the attention of the club by way of a formal complaint. Resolution is most often achieved following investigation by club officials and follow-up discussions and/or the provision of education/training with the parties involved.

Subsequent to the policy lied herein, as a member club of the Ontario Soccer Association (OSA), the Kingston United Soccer Club fully supports and hereby adopts the OSA Policy 15.0 in respect of Dispute Resolution, which is available at www.ontariosoccer.net/governing-documents-dispute-resolution. The OSA has also put in place operational procedures for the implementation of Policy 15.0, available at www.ontariosoccer.net/governing-documents-dispute-resolution.

Discipline and Complaints Policy

Definitions

1. The following terms have these meanings in this Policy Suite:
 - i. "Club" – Kingston United Soccer Club
 - ii. "Case Manager" – A Person appointed by the Club, who need not be a member or affiliated with the Club, to administer this *Discipline and Complaints Policy*.
 - iii. "Complainant" – The Party alleging an infraction
 - iv. "Days" – Days including weekend and holidays
 - v. "Person or Persons" – All members defined in the Club's bylaws or policies, including the Club itself, as well as teams and all Persons engaged in activities with the Club including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, directors and officers of the Club





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- vi. “In writing” - A letter, fax or email sent directly to the Club
- vii. “Respondent” – The alleged infracting Party

Application of this Policy

1. This Policy applies to all Persons and all matters that may arise during the course of the Club’s business, activities, and events including, but not limited to, games, tournaments, practices, tryouts, training camps, travel associated with Club activities, and any meetings.
2. This Policy also applies to all Persons’ conduct outside of the Club’s business, activities, and events when such conduct adversely affects relationships within the Club (its work and/or sport environment) or is detrimental to the image and reputation of the Club. The jurisdiction of this Policy will be determined by the Club at its sole discretion.
3. This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, when applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.
4. An employee of the Club found to have been a Respondent will be subject to appropriate disciplinary action subject to the terms of the Club’s Human Resources Policy, as well as the employee’s Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

Reporting a Complaint

1. Any Person may report any complaint to the Club. A complaint must be in writing and must be filed within 30 days of the alleged incident. Complaints should be submitted in writing via the Kingston United Soccer Club’s Complaint Submission Form to the General Manager.
2. A Complainant wishing to file a complaint outside of the 30 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the 30-day timeframe will be at the sole discretion of the Case Manager.
3. At the Club’s discretion, the Club may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Club will identify a Person to represent the Club.
4. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this Policy.
5. Upon formal receipt, the Club will review the complaint within 15 days to determine jurisdiction and the required next steps.





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6. Upon submitting a complaint, the complainant understands and agrees that costs of mediation and/or further dispute resolution costs will be shared equally between the complainant and the respondent, unless otherwise ordered by the Discipline Panel.

Request for a Disciplinary Hearing

1. At the time of complaint submission an individual may request a disciplinary hearing through this policy, but the request will be at the sole discretion of the case manager.
2. A \$50 fee is to be paid by the individual requesting the hearing. This fee is reimbursed if the individual is subsequently found not guilty of the charge.
3. A \$25 fee is to be paid by the party requesting the postponement of a disciplinary hearing.

Case Manager

Upon the receipt and review of a complaint, the Club will appoint, or request the appointment of an unbiased Case Manager to manage and administer complaints submitted in accordance with this Policy. Such appointments are not appealable. If the Case Manager is an independent third party, the Club and the complainant will each bear 50% of the costs of the Case Manager. Any third-party Case Manager should have a knowledge and expertise in dispute resolution.

The Case Manager has a responsibility to:

- i. Determine whether the complaint is within the jurisdiction of this Policy or frivolous
- ii. Appoint a Discipline Panel, if necessary
- iii. Coordinate all administrative aspects and set timelines
- iv. Provide administrative assistance and logistical support to the Panel as required
- v. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

Discipline Panel

1. The discipline panel is to be made by two (3) Directors/Staff (members who were NOT part of the initial Review Committee wherever possible).

Procedures

1. If the Case Manager determines the complaint is:
 - i. Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately
 - ii. Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and delineate the applicable next steps





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2. The Case Manager's decision to accept or dismiss the complaint may not be appealed.
3. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.
4. After notifying the Parties that the complaint has been accepted, the Case Manager will first, propose the Club's Alternate Dispute Resolution Policy with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.
5. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods.

The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:

- i. The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
 - ii. Copies of any written documents which the Parties wish to have the Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing and/or decision rendered
 - iii. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
 - iv. The Discipline Panel may request that any other Person participate and give evidence at the hearing
 - v. The Discipline Panel may allow any oral evidence and document anything relevant to the subject matter of the complaint, as evidence at the hearing, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
 - vi. The decision will be by a majority vote of the Discipline Panel
6. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.
 7. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.





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8. If a decision affects a 3rd Party to the extent that the 3rd Party would have recourse to a complaint or an appeal in their own right, that 3rd Party will become a subsequent Party and a part of the complaint procedure to the complaint in question and will be bound by the decision.
9. In fulfilling its duties, the Panel may obtain independent advice or legal counsel.

Decision

1. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Club. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

Sanctions

1. The Panel may apply the following disciplinary sanctions, singularly or in combination:
 - i. Verbal or written reprimand
 - ii. Verbal or written apology
 - iii. Service or other contribution to or by the Club
 - iv. Removal of certain privileges
 - v. Suspension from certain teams, events, and/or activities
 - vi. Suspension from all Club activities for a designated period of time
 - vii. Withholding of prize money or awards
 - viii. Payment of the cost of repairs for property damage
 - ix. Suspension of funding from the Club or from other sources
 - x. Expulsion from the Club
 - xi. Any other sanction against Persons or the Club considered appropriate for the offense
 - xii. Determine who pays the costs of mediation and/or other dispute resolution costs. Failure to pay may result in withdrawal of member in good standing status
 - xiii. Make any reasonable order to resolve and remedy the dispute if the Club is at fault.
2. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in automatic suspension until such time as compliance occurs.
3. Infractions that result in discipline will be recorded and records will be maintained by the Club.





Suspension Pending a Hearing

1. The Club, in consultation with the Case Manager, may determine that an alleged incident is of such seriousness as to warrant suspension of a Person, pending completion of a criminal process, a hearing or a decision of the Panel.

Criminal Convictions

1. A Person's conviction for one of the following *Criminal Code* offenses, will be deemed an infraction under this Policy and will result in expulsion from the Club.
 - i. Any child pornography offences
 - ii. Any sexual offences
 - iii. Any offence of physical violence
 - iv. Any offence of assault
 - v. Any offence involving trafficking or possession of illegal drugs
 - vi. Any offense that involves a loss of life, injury to third parties, or any significant breach of trust
2. If any person convicted of a Criminal Code offense, including, but not limited to all offenses listed above, can provide proof they have received a full pardon for their offense, they will be exempt from expulsion from the Club on the basis of that infraction under this Policy.

Confidentiality

1. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Timelines

1. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint; the Discipline Panel may direct that these timelines be revised.

Appeals Procedure

1. The decision of the Panel may be appealed in accordance with the Club's *Appeal Policy*.





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Appeal Policy

Shall be in accordance with the O.S.A Published Rules.

An Ontario Soccer Appeal Request Form will need to be filled out and sent via email to appealcasemanager@ontariosoccer.net.

1. Any registrant individual or active member, directly affected by a decision made by a governing organization may, appeal that decision to the next higher organization.
2. Appeals of decisions made by the Leagues or The Association Discipline Committee shall be submitted, as a receipted request to The Association It is the responsibility of The Association to inform all relevant parties and to provide them with a copy of the appeal.
3. The letter of appeal must be accompanied by the correct fee of one hundred dollars (\$100) in the form of a cheque or money order, together with the Canada Post registration receipt (or a copy thereof) and a copy of the decision being appealed.
4. The letter of appeal must be postmarked no more than five (5) business days from the receipt, in writing, of the decisions being appealed and the rights of appeal information.
5. Any appeal, which is not submitted in compliance with all of the preceding regulations, will be ruled out of order and will not be heard. 6. If an appeal is upheld, the appeal fee shall be refunded.

