



## EVANSVILLE SOCCER CLUB

P.O. BOX 335  
EVANSVILLE, WI 53536

"For the Love of the Game"



### Evansville Soccer Club

#### Complaint and Disciplinary Procedure Policy

**Definitions:** a) 'Days' – Days are calendar days, irrespective of weekends and holidays, b) Evansville Soccer Club (ESC) Members are defined in the ESC bylaws: Players (Parent or Guardian for minors), Coaches, and At-Large members.

**Purpose:** The ESC is committed to providing an environment in which all ESC Members (from herein referred to as Members) are treated fairly and with respect. Irresponsible behavior can negatively impact the players, referees and coaches, and result in severe damage to the health and integrity of the ESC. Conduct that violates club policies and the core values of the club may be subject to disciplinary measures contained in this policy. Since disciplinary measures may be applied, it is only fair to provide Members a mechanism so complaints and discipline is dealt with fairly, expeditiously and affordably. The ESC is committed to providing an environment that is characterized by the values of fairness, integrity, open communication and mutual respect. Participation in ESC activities brings with it many benefits and privileges. At the same time, club Members are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, procedures, rules and regulations and Codes of Conduct/Ethics.

**Application of this Policy:** This policy applies to all Members as defined in the club bylaws. This Policy only applies to discipline matters that may arise during the course of ESC business, activities and events including, but not limited to, games, trainings, practices, activities, events and meetings.

**Reporting a Complaint:** Any individual may file a complaint by following the established procedure: The complaint must be submitted in writing (email is acceptable), must be signed and received by the ESC President on behalf of ESC Board of Directors within thirty (30) days of the alleged incident. Anonymous complaints may be accepted on the sole discretion of the ESC Board of Directors, or their designate. A complainant wishing to file a complaint beyond thirty (30) days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or not accept the notice of complaint outside the thirty (30) day period will be at the sole discretion of the ESC Board of Directors, or designate. This decision may not be appealed.



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**Reviewing the Complaint:** If a complaint is determined by the ESC Board of Directors, or designate to be legitimate, the complaint will be designated as a minor infraction or a major infraction and dealt with according to the appropriate sections of this Policy. It will be at the sole discretion of the ESC Board of Directors, or designate to determine whether a complaint is to be dealt with as a minor or major infraction. This decision is not appealable. If the incident is to be dealt with as a minor infraction, the ESC Board of Directors, or designate will inform the alleged offender and the matter will be dealt with according to the section relating to minor infractions. If the incident is to be dealt with as a major infraction, and if the ESC Board of Directors, or designate determines a hearing is required, the alleged offender will be notified as quickly as possible and this matter will be dealt with according to the section relation to major infractions. This Policy will not prevent an appropriate ESC Board Member, such as the league commissioner, from taking immediate, informal or corrective action in response to behaviors that constitutes either a minor or major infractions provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. Further disciplinary measures may be applied in accordance with the procedures set out in this Policy.

### **Minor Infractions**

Examples of minor infractions include, but are not limited to, an incident of:

- Disrespectful and offensive comments or behavior directed towards others
- Conduct contrary to the ideals of respect such as angry outbursts or arguments
- Non-compliance with the Policies and Procedures under which the ESC is governed

All disciplinary situations involving minor infractions will be dealt with by the ESC Board of Directors, or designate. Procedures for dealing with minor infractions will be informal as compared to those for major infractions and will be determined at the discretion of the ESC Board of Directors, or designate. This is provided that the individual being disciplined is told the nature of the infractions and has an opportunity to provide information concerning the incident. Disciplinary measures for minor infractions, which may be applied singly or in combination, include the following:

- Verbal or written reprimand which may be placed on the individual's record



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- Verbal or written apology
- Service or other voluntary contribution to the ESC
- Retraining
- Suspension from the current training, activity or event
- Any other disciplinary measure considered appropriate for the offense

Minor infractions that result in discipline will be recorded and maintained by the ESC. Repeat minor infractions may result in further such incidents being considered a major infraction.

**Major Infractions:** Major infractions are instances of misconduct that result or have the potential to result, in harm to other persons or the ESC.

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

- A single egregious incident or repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others, especially when children are present.
- Repeated conduct contrary to the ideals of respect such as angry outburst or argument
- Repeated incidents of being late for or absent from ESC events or activities at which attendance is expected or required
- Incidents of physical abuse
- Pranks, jokes or other activities that endanger the safety of others
- Disregard for the rules and regulations under which ESC games, practices, training, events and programs are conducted which results in harm to others.
- Conduct which results in harm to the image, credibility or reputation of the ESC and/or its sponsors
- Abusive use of alcohol where abuse means a level of consumption that impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely. Abuse of alcohol includes the serving of alcohol to any person under the age of 21.
- Any use of illicit drugs and narcotics



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Major infractions may be dealt with immediately, if necessary, by the ESC President, provided the individual being disciplined is told the nature of the infractions and has an opportunity to provide information concerning the incident. In such situations, disciplinary measures will be for the duration of the current training, program or event only. Further disciplinary measures may be applied, but only after review of the matter in accordance with the procedures set out in the Policy. This review does not replace the appeal provisions of the Policy.

**Discipline Panel and Hearing:** Within twenty-one (21) days of notifying the respondent of a complaint of a major infraction, the ESC President in coordination with the ESC Board of Directors will appoint a Discipline Panel ("Panel"). The Panel will normally consist of 3 – 5 people; may or may not be board members; have no significant relationship with the complainant and respondent; will have no involvement with the alleged infraction; and will be free from any other bias or conflict of interest. The Panel will hold the hearing as soon as possible, but not more than thirty (30) days after being appointed. In regard to the nature of the discipline matter and the potential consequences of any resulting disciplinary measure, the Panel will decide to conduct the hearing by way of review of documentary evidence or by way of oral hearing. If the Panel decides to conduct an oral hearing, it may decide to do so in person or by means of telephone or video conference.

**Documentary Review:** When the hearing will be held by way of documentary submissions, the Panel will govern the hearing fairly and as it sees fit, provided that:

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

**Oral Hearing:** When the hearing will be held by way of oral hearing, the Panel will govern the hearing fairly and as it sees fit, provided that:

- The affected parties will be given five (5) days written notice (email is acceptable) of the day, time and place of the hearing
- The affected parties will be provided copies of all evidence to be relied upon
- Decisions will be by majority vote



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- The Panel will refrain from communicating with the parties except in the presence of, or copy to, the other parties
- The individual being disciplined may be accompanied by a representative
- The individual being disciplined will have the right to present evidence and argument
- The individual being disciplined will have the right to request a witness be made party to the hearing
- Any party potentially affected by the matter may be made party to the hearing by the Panel
- The Panel may request any witness be present at the hearing or submit written evidence in advance of the hearing
- If the individual being disciplined chooses not to participate in the hearing, the hearing will proceed
- The hearing will be held in private
- Each party will bear their own costs

Once appointed, the Panel will have the authority to abridge or extend timelines associated with any aspect of the hearing. After hearing the matter, the Panel will convey the substantive findings and make a recommendation to the board of directors as to whether or not the individual will be disciplined, and if so the appropriate sanctions to be imposed. The ESC Board of Directors may approve, deny or modify the Panel's recommendation by majority vote. Any decision, with reason, will be distributed to all parties within twenty-one (21) days of the conclusion of the hearing.

The individual may waive the hearing portion of the process. In this case the Panel will review the provided documentation, determine the appropriate disciplinary measures and make their recommendation to the board of directors. The Panel may still hold a hearing for the purpose of determining an appropriate disciplinary measure. If the individual being disciplined chooses not to participate in the hearing, the hearing may proceed in any event.

**Disciplinary Measures** The Panel may recommend and the ESC Board of Directors may apply the following disciplinary measures singly or in combination for major infractions:



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- Written reprimand to be placed on the individual's record
- Written and/or personal apology
- Removal of certain privileges
- Suspension from certain ESC programs, events and/or activities
- Suspension from all ESC activities for a designated period of time
- Expulsion from the ESC (revocation of membership, requires 2/3 majority)
- Publication of the Panel's decision
- Other measures may be considered appropriate for the offense

Unless the board of directors determine otherwise, any disciplinary measures will commence immediately. Failure to comply as determined by the ESC Board of Directors may result in suspension within the ESC until such time as compliance occurs. A written record will be maintained by the ESC for major infractions that result in disciplinary measures.

**Serious Infractions:** The ESC Board of Directors may determine that an alleged incident is of such seriousness as to warrant immediate suspension of the individual pending a hearing and a decision of the ESC Board of Directors. Where it is brought to the attention of the ESC Board of Directors that an ESC Member has been charged with an offence under the Criminal Code by law enforcement or has been previously convicted of a criminal offence, the ESC may immediately suspend the ESC Member pending further investigation, a hearing or completion of the criminal proceedings. Notwithstanding the procedures set out in the Policy, any ESC Member that is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault or aggravated assault shall be immediately suspended from participating in any ESC activity. The ESC Board of Directors may, by 2/3 majority vote revoke membership and apply a lifetime suspension from participating in any activities of the ESC .

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



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**Appeals:** The individual may appeal the discipline rendered by the ESC Board of Directors within three (3) days of receiving notification of the decision. The individual must file notice of this request directly to the ESC President, who will receive it on behalf of the ESC Board of Directors.

Within twenty-one (21) days of receiving the appeal request, the ESC President in coordination with the ESC Board of Directors will appoint a Board of Review Panel ("Review Panel"). The Panel will normally consist of 3 – 5 people who may or may not be ESC Board members; were not members of the disciplinary panel; have no significant relationship with the complainant and respondent; will have no involvement with the alleged infraction; and will be free from any other bias or conflict of interest. The Review Panel will hold a hearing as soon as possible, but not more than thirty (30) days after being appointed. The Review Panel will conduct the appeal hearing and will consider any new documentary and/or oral evidence.

The Review Panel will govern the appeal hearing fairly and as it sees fit, provided that:

- The appealing individual will be given five (5) days written notice of the day, time and place of the appeal hearing
- Decisions will be by majority vote
- The Review Panel will refrain from communicating with any of the affected parties except during the appeal hearing.
- The individual filing the appeal may be accompanied by an advisor or personal representative.
- The individual filing the appeal will have the right to present evidence and argument
- The hearing will be held in private
- Each party will bear their own costs

After hearing the matter, the Review Panel will determine whether or not the discipline will be revised or dismissed. The decision of the Review Panel is final and will be distributed to the individual and the ESC President who will receive it on behalf of the ESC Board of Directors within twenty-one (21) days of the conclusion of the hearing.