



## Section 9.0 - Discipline

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Revised  
26-May-2008**Policy 8.0 - DISCIPLINE BY HEARING (D.B.H.) SYSTEM**

- 8.1 **Notification of Hearing**
- 8.1.1 For organizations without regularly scheduled hearings, all those required to attend a hearing shall be given fifteen days notice. Such notice shall also be forwarded to the club when the offence involves a registered player, team official. This notice must state both the exact nature of the charges, together with the misconduct type and reference number, as outlined in Policy 9.0, together with the "Rights of the Accused" to request a postponement, to bring an adviser, observers and/or witnesses. The Notice of Hearing will also include a copy of all 'Report of Misconduct' received by the Governing Organization in relation to the Discipline Charge being brought against the accused.
- 8.1.1.2 The Discipline hearing Panel shall not overrule legitimate objections based on the Discipline Policies contained in these "Published Rules".
- 8.1.2 For all organizations that have published the dates on which they hold regularly scheduled hearings, those required to attend a hearing shall attend in accordance with the organization's published schedule. Regarding the nature of the charges, in a case being heard at a regularly scheduled hearing, it shall be the responsibility of the Governing Organization to make the copy of the Report(s) of Misconduct available to the accused party at least 30 minutes prior to commencing the hearing. The accused persons rights to request a postponement, to bring an adviser, observers and/or witnesses must be published with the schedule of hearings.
- 8.1.3 **Inadequate Notice given of the Hearing Date**
- 8.1.1.1 If any party required to attend a hearing challenges the legality of the hearing on the basis of insufficient notice of the hearing was given, the Hearing Panel will determine if the complaint is legitimate and if found to be; will have all relevant parties to sign a waiver or will adjourn the case to a subsequent date.
- 8.1.3.2 The Discipline hearing Panel shall not override any legitimate objections based on the Discipline Policies contained in these "Published Rules"
- 8.2 **Request for Postponement**
- 8.2.1 Any party required to attend a hearing may request one (1) postponement of a hearing. The party must submit a written request which must be received by the Governing Organization no later than four days prior to the date of that hearing, stating the reason for requesting the postponement. All such requests must be accompanied by the correct fee in the form of a recorded payment. Should the request be denied, the fee shall be refunded. The Governing Organization shall have full discretion to refund the "Request For Postponement Fee" if sufficient reason warrants such action.
- 8.2.2 Any game official required to attend does not have to pay the "Request For Postponement Fee" unless he/she is the accused.
- 8.2.3 In the event that criminal charges are laid as a result of any incident that occurred in a game or in the vicinity of the game's venue after the game, the case shall proceed in accordance with "Published Rules", unless the accused requests a postponement of the hearing in accordance with **Policy 8.2.1**. Such "Requests for Postponement" shall be granted, but the accused shall remain suspended from all soccer related activity until his/ her case is dealt with by the Discipline Hearing Panel.
- 8.3 **Request for Hearing**
- 8.3.1 Those who request another hearing after failing to attend a hearing when required to do so, shall submit a written request together with the recorded payment for the fee as specified by the Governing Organization. This fee is non-refundable.
- 8.3.2 When a hearing is postponed in accordance with **Policy 8.2.3**, the accused shall request a hearing after the disposition of the criminal charge(s) but will not be required to pay the normal "Request For Hearing Fee". The outcome of a criminal case will not influence charges laid under "Published Rules". Any suspension period shall include the period during which the accused was suspended prior to the hearing.
- 8.4 **Attendance at Discipline Hearing**
- 8.4.1 The accused individual or organization or their representative must attend a hearing. Anyone representing an accused must provide a signed proxy from the accused before being allowed to participate at a hearing.
- 8.4.2 An accused may choose to be accompanied by another adult who may act as an adviser.
- 8.4.3 An accused less than eighteen years of age must be accompanied by an adult, who shall act as an adviser, failing which the hearing will not proceed and the accused shall be suspended until the hearing is held.
- 8.4.4 If the accused does not appear, the hearing will not proceed, the accused will be fined in accordance with the "Schedule of Fees, Fines, Bonds and Penalties" as published by the Governing Organization, and the accused will be suspended from all soccer related activities until he/she requests and attends a hearing
- 8.4.4.1 Failure by any person or organization to attend a Discipline Hearing after having been given notice to do so in accordance with **Policy 8.1.1** or **Policy 8.1.2**, will result in disciplinary action being taken.
- 8.4.4.2 An organization failing to attend a Discipline Hearing, when required to do so, shall be fined in accordance with the "Published Rules" of the organization hearing the case.
- 8.4.5 In all cases of alleged **Game Official Assault**, the following must attend the hearing:
- the accused;
  - the person(s) submitting the report(s);
  - the club representative.
- 8.4.6 If any of the above parties fail to attend:
- Failure by any person or organization to attend a Discipline Hearing after having been given notice to do so in accordance with **Policy 9.0** may result in disciplinary action being taken.
  - An accused person failing to attend a Discipline Hearing when required to do so, shall be suspended from all soccer related activity until such time that he/she requests, in writing, another hearing and appears at that subsequent hearing; and he/ she shall be fined in accordance with the "Published Rules" of the organization hearing the case.
  - An organization failing to attend a Discipline Hearing, when required to do so, shall be fined in accordance with the "Published Rules" of the organization hearing the case.
- 8.4. **Failure of an accused, without due cause, to participate in, or remain at, a discipline hearing when required to attend.**
- An accused person who refused to participate in a Discipline Hearing, or who walked out of the hearing, thus preventing the Discipline Hearing Panel from rendering a decision on the case, shall be suspended from all soccer related activities until such time that he/she requests, in writing, another hearing and appears at that subsequent hearing.
  - Notwithstanding **Policy 14.6 a)**, if the Discipline Hearing Panel determines that it has obtained sufficient evidence, prior to the walkout, to render a decision in the normal manner, it shall render its decision.
- 8.4.6 The *Discipline Hearing Panel* must request that the author of the misconduct report attend the Discipline Hearing where the accused has been charged with a misconduct type that may result in a penalty of one year or greater.
- 8.4.7 The game official must attend a Discipline Hearing if required by the Discipline Hearing Panel. Any reasonable expenses incurred by the game official shall be reimbursed by the Governing Organization handling the case.

**8.5 Advisers, Club Representative, Witnesses and Observers****8.5.1 Advisers**

8.5.1.1 An adviser is a person 18 years of age or older who provides advice to any party required to attend a Discipline Hearing including the panel and may not act as a witness nor provide any testimony at the Discipline Hearing. They may not question the competence of the game official(s) and may question a witness for clarification purposes only.

8.5.1.2 The Chair of the *Discipline Hearing Panel* shall notify any advisers that the hearing will be conducted strictly in accordance with O.S.A. "Published Rules".

8.5.1.4 An adviser may not be granted an adjournment of the hearing on the grounds that he/she is not familiar with O.S.A. "Published Rules".

**8.5.2 Observers**

8.5.2.1 Each party required to attend a Discipline Hearing is entitled to have a maximum of two observers in attendance at the Discipline Hearing in order to ensure that a specific party receives a fair and hearing. They may not act as a witness nor provide any testimony but may speak at the discretion of the Discipline Hearing Panel.

8.5.2.2 If an observer interrupts a Discipline Hearing and refuses to stop such interruptions when requested to do so by the *Discipline Hearing Panel*, he/she shall be required to leave the hearing room, prior to the continuation of the hearing.

**8.5.3 Club, O.S.R.A., Local Referee Association or League Representative**

8.5.3.1 Each Club / O.S.R.A. / Local Referee Association or League is entitled to send a representative to a Discipline Hearing at which one of its player(s), team official(s) or administrators or game official(s) has been charged with a Misconduct Type and may serve as an advisor.

8.5.3.2 At a Discipline Hearing for a **Game Official Assault** case, the Club shall send a representative to the hearing.

8.5.3.3 A Club Representative may also serve as an adviser to a party, usually the accused, and is entitled to the full rights of an adviser, in accordance with **Policy 8.5.1**.

8.5.3.4 At a Discipline Hearing for a **Game Official Assault** case, the O.S.R.A. or the Local Referee Association of the assaulted game official shall be requested to send a representative to the hearing.

**8.5.5 Witnesses**

8.5.5.1 Each party required to attend a Discipline Hearing is entitled to bring witnesses. Witnesses must appear in person. Written reports by witnesses are not acceptable.

8.5.5.2 There is no limit to the number of witnesses allowed, but they must add new testimony and the *Discipline Hearing Panel* can limit the number of witnesses giving testimony when it becomes repetitious.

**8.6 Composition of Discipline Hearing Panel**

8.6.1 A Discipline Hearing Panel shall consist of at least three members: The Chair ; The Recording Secretary and a third member. Personnel shall be carefully selected for the Discipline Hearing Panel to ensure the panel will have no significant relationship with the affected parties, will have no involvement with the misconduct being considered and will be free from any other actual or perceived bias or conflict.

The Discipline Hearing Panel shall hear all charges at a properly convened Discipline Hearing. The accused may waive this requirement for three members by signing the appropriate waiver form.

8.6.2 For Discipline Hearings being convened by a District Association, Senior Provincial, Regional or Multi-Jurisdictional or Youth Level 1, 2, 3, 4 or 5 League or the Discipline Hearing Chair will hold current Discipline Certification Level 1 prior to the hearing being convened.

**8.7 Discipline Hearing Procedures**

8.7.1 At the start of the Hearing, all parties shall be brought into the hearing room. The Recording Secretary shall record the names and status of all attendees. The Chair shall explain to all parties present, the Discipline process and the rights and limitations of all parties to the Hearing, as described in **Policies 8.4 and 8.5** above.

8.7.2 With all parties present, the charges against the accused shall be read from the "Discipline Hearing Notice", together with any other reports on which the charges have been based. After this time, all witnesses must be asked to leave the room.

8.7.3 The person(s) submitting the report(s), if present, shall be allowed to amplify or qualify the report(s) and the accused (or adviser) shall be allowed to question the person(s) submitting the report(s) or, in the absence of that person(s), the report itself.

8.7.4 Witnesses shall be brought back in, one at a time, at the request of either party or the Hearing Panel. If the witness is appearing for the accused, the accused shall be given the opportunity to ask the first question. After giving testimony the witnesses shall be asked to remain in the room. If they request to leave, the Panel must ensure that they leave the building and not speak to any other witnesses that have still to be heard.

8.7.5 The Chair shall allow the accused and witnesses to testify, provided the testimony is relevant, and the Hearing Panel may question the accused or any witness giving evidence.

8.7.6 If, during the hearing, it is determined that evidence from a witness who could not attend may be crucial to the decision, the Chair shall adjourn the hearing and reschedule it to a later date. All those who are required to attend the rescheduled hearing shall be given notice in writing in accordance with the time frames in **Policy 8.1.1 or 8.1.2** as appropriate, or by mutual consent at an earlier date.

8.7.7 The accused and the person(s) submitting the report(s) shall be given the opportunity to present final comments, after which the Chair shall declare the hearing recessed and notify all parties of their "Rights of Appeal". At this time, all those other than the panel members shall leave.

8.7.8 The panel shall consider the evidence and shall, wherever possible, arrive at a decision prior to adjourning. In the event that the panel decides that further investigation is required, it will act accordingly, and will notify all involved parties to that effect within fifteen days. If a further hearing is considered to be necessary, the panel shall, unless all parties agree to sign waivers, give fifteen days notice to all involved parties. Those parties required to attend the original hearing shall be required to be present at the subsequent hearing.

8.7.9 In the event that a Discipline Hearing Panel considers that (additional) charges should be laid against any registrant of registered organization as a result of new evidence being discovered at the hearing, the (new) charges must be dealt with by the appropriate organization at a new hearing held on a subsequent date.

8.7.10 In a situation where there are multiple discipline cases involving two or more individuals/organizations and relating to the same incident, the Discipline Hearing Panel may hear the cases concurrently at the same hearing. In such situations, all of the accused parties shall individually be given the same rights and responsibilities as a single accused individual/organization.

**8.8 Audio Visual Technology**

8.8.1 A tape recorder may be used by any party to record the testimony at a Discipline Hearing. All persons participating in the hearing shall be advised that the hearing is being taped.

8.8.2 Videotape evidence is acceptable provided it substantiates verbal evidence given by any party. Videotape evidence that simply seeks to show errors made by a game official shall be ruled out of order and not considered. Videotape evidence that shows possible errors in identification by the game official shall be allowed.

**8.9 Notification of Penalty**

8.9.1 In all cases, decisions shall be forwarded, in writing, by mail, fax, e-mail, or designated website, to the parties involved within fifteen days after the conclusion of the hearing. The decision shall include the "Rights of Appeal Information". If the accused is found guilty the decision shall include:

- a) The exact offence(s) of which the accused has been found guilty.
- b) The exact terms of the discipline imposed, including any suspension(s), fee(s), fine(s), or bond(s).

8.9.2 Failure of a Governing Organization to render a written decision within the specified time frames.

- 8.9.2.1 a) An accused person may complain to the next higher Governing Organization if a written decision is not received within the time frames specified in the "Published Rules". All complaints must be lodged by receipted request within thirty days of the hearing date. A copy of the complaint must be sent to the organization under whose jurisdiction the Discipline Hearing/Review was held
- b) If the written decision is not received by the accused within the time frames specified in these "Published Rules", the accused person's organization's rights of appeal begin on the date of the receipt of the written decision.
- c) The delinquent organization will be charged with acting in contravention of a "Published Rule" (ie., Misconduct Type 5.66, 6.66 or 7.66)

8.9.3 Failure of a Governing Organization to provide the "Rights of appeal Information" to a party affected by the decision.

8.9.3.1 If the "Rights of Appeal Information" is not given to an party affected by the decision, then that party's rights of appeal in accordance with Policy 6.8, begin on the date of the receipt of the "Rights of Appeal Information".

8.10 Notwithstanding **Policy 9.15** - If a Discipline Hearing Panel, acting as an O.S.A. Discipline Hearing Panel, fails to impose the Mandatory Penalty as indicated in these policies, The O.S.A. reserves the right to review the penalty imposed; to re-open the case; and if warranted, impose the required Mandatory Penalty

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