



POLICY - COMPLAINTS and DISPUTE RESOLUTION

Effective Date: 2022 Revision

Related Policies

Board of Directors Policy
Discipline & Appeals Policy

CSWU Soccer Club encourages all members (players, parents, and coaches) to attempt to resolve issues in good faith prior to club intervention keeping in mind the criteria provided in our Club Code of Conduct, but understands that this is not always possible.

Encouraging open communication, CSWU is committed to investigating and acting fairly, and without bias upon all complaints or reports of inappropriate behavior pertaining to CSWU soccer-related activities.

As with the majority of non-profit organizations in Canada, CSWU Soccer Club is a private tribunal, essentially autonomous and self-governing; deriving our authority from our “governing documents” – our constitution, bylaws, policies, procedures, and rules. As a tribunal, we are also subject to the rules of procedural fairness. For example, before an organization can make a decision that adversely affects an individual, that individual has a right to know the case against them and to be given a reasonable opportunity to respond on their own behalf.

If the situation warrants, following consultation with our governing bodies, an independent review of complaints will be sought in order to maintain the fairness of the evaluation.

Complaints about Directors or Staff

If a member of the CSWU Soccer Club wishes to make a formal complaint about any Director of the Board, they may do so, in writing. Any such complaint is to be directed to CSWU’s Operations Director at shaunlowther@cswusoccer.com.

Formal complaints regarding club members, staff, volunteers, coaches, players, referees, etc. that require investigation should be submitted in writing to the Operations Director of CSWU Soccer Club at shaunlowther@cswusoccer.com

If a formal complaint is to be made against the CSWU Operations Director, please contact the CSWU President at president@cswusoccer.com in writing with the details of the complaint.

Complaints regarding breaches of the Confidentiality Policy are to be directed to the club President at president@cswusoccer.com who shall act as the Club’s Privacy Officer

Formalizing Complaints

a) Any complaint can be communicated verbally, initially, to a club official or employee but must be followed up in written form (letter and/or email) in order to be acted upon.

- b) All complaints to the club must be in written form before a complaint is dealt with. A confirmation from CSWU that the complaint has been received will be provided via email if possible; other confirmation forms may include telephone or letter.
- c) Once a written complaint has been filed with the club, a Review Committee consisting of a least three (3) committee members, independent of the CSWU Board of Directors, will be struck to review the complaint and determine if a hearing will be required.
- d) A committee member assigned to lead the investigation into the complaint will schedule a Complaint Hearing within ten (10) business days of receipt/filing of the complaint, also providing notice to the individual(s) whom the complaint has been filed against. The individual(s) who are named on the complaint shall be contacted by e-mail and requested to appear at the Complaint Hearing.
- e) Hearings shall be conducted by three (3) committee members (members who were NOT part of the initial Review Committee wherever possible, yet independent of the Board of Directors) one of whom is to be a certified Discipline Chair. If a certified Chair is not available within the club, the Region will be asked to provide a certified Chair for these purposes.
- f) The individual(s) named on the complaint is/are entitled to be present at the hearing. Only individuals called by the committee shall be allowed to participate in a hearing.
- g) Hearings can take place by way of written submissions or oral submissions and with differing degrees of formality and complexity. The main consideration will be to decide upon a process that best allows the affected individual to adequately answer the case against them given the circumstances of the complaint and the nature of the matter being considered.
- h) The committee shall then deliberate in camera following the Hearing with the individual(s) who are named on the complaint.
- i) The decision of the committee shall be communicated to the individual named in the complaint within ten (10) working day of the Complaint Hearing.
- j) Penalties can range from a permanent suspension from the club, suspension for a specified period of time, and a probationary period where the individual is allowed to continue with the club.
- k) All committee decisions are final, and the issuing of "Reasons for Decision" along with the decision is not mandatory due to legislated privacy constraints.
- l) Individual(s) who are charged with a criminal offense involving club-related incidents shall be immediately suspended from the club pending resolution of the charges. No Complaint or Discipline Hearing shall take place when an individual is facing criminal charges for club-related incidents. Club members who are convicted of a Criminal Code of Canada offense are subject to suspension or removal.
- m) Any individual who is convicted of a criminal offense resulting from sexual or physical abuse shall be banned for life from the club.

Appeals

No action or legal proceeding will be commenced against CSWU Soccer Club or its club members, staff, volunteers, coaches, players, referees, etc, in respect of a complaint or dispute, unless CSWU has refused or failed to provide or abide by the dispute resolution process and/or appeal process as set out in Club policies and/or procedures.

Refer to the Canada Soccer Associations website at www.canadasoccer.com for applicable policies and operational procedures.

Dispute Resolution

Dispute resolution is defined as “the process of resolving disputes between parties”. In the case of the CSWU Soccer Club, disputes are typically brought to the attention of the club by way of a formal complaint. Resolution is most often achieved following an investigation by club officials and follow-up discussions and/or the provision of education/training with the parties involved.

Formal dispute resolution for matters of “a corporate nature” (as shown below), may be addressed through the CSA Dispute Resolution Policy:

- a) The calling and holding of general meetings
- b) The presentation and approval of financial statements
- c) The nomination and election of Directors and Officers
- d) The removal of Directors and Officers
- e) The acceptance, rejection, and removal of members
- f) The calling and holding of Board meetings
- g) Breaches of parliamentary procedure
- h) Other matters of a similar corporate or governance nature