



Milton Soccer Academy

Your not-for-profit community soccer club

Discipline Hearing – Rights of the Accused (Condensed)

5.4.1 Notification of Hearing

For Governing Organizations without regularly scheduled hearings, all those required to attend a hearing shall be given fifteen (15) days' notice. This notice must state the exact nature of the charges, together with the misconduct type and reference number. The Accused has the right to request a postponement, to bring an adviser, observers and/or witnesses. The Notice of Hearing will also include a copy of each 'Report of Misconduct' and all documentation which will be considered by the Discipline Hearing Panel.

5.4.3 If any party required to attend a hearing challenges the legality of the hearing on the basis that insufficient notice of the hearing was given, the Hearing Panel will determine if the complaint is legitimate and, if found to be, will only proceed if relevant parties sign a waiver or will adjourn the case to a subsequent date.

5.4.5 Request for Postponement

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 (4) 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.

5.4.6 Request for New Hearing

5.4.6.1 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.

5.5 Pleading Guilty

An accused party may plead guilty and forego a hearing. Written notification of such must be received by the Milton Soccer Academy no later than four days prior to the date of the hearing. In doing so, the accused party accepts the maximum penalty applicable to Ontario Soccer Misconduct Type charged. The appropriate administrative fee will be levied. The accused party may not appeal a decision rendered by the Discipline Hearing Panel once the guilty plea has been entered, unless the penalty assessed is not within the standard range in accordance with the Published Rules



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5.6 Attendance at Discipline Hearing

5.6.1 The accused individual 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.

5.6.2 An accused may choose to be accompanied by another adult who may act as an adviser.

5.6.3 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.

5.6.4 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 in writing and attends a hearing.

5.6.5 In all cases of alleged Match Official Assault, the following must attend the hearing: a) the accused; (notwithstanding 5.6.1, the accused must attend in person) b) the person(s) submitting the report(s); c) the Club representative.

5.6.6 If any of the above parties fail to attend may result in disciplinary action being taken.

a) 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 Milton Soccer Academy.

5.6.7 Failure of an accused, without due cause, to participate in, or remain at, a discipline hearing when required to attend.

a) *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.*

b) Notwithstanding Procedure 5.6.7 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.

5.6.8 The Discipline Hearing Panel must require 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.



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5.7.1 Advisers

5.7.1.1 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 Match Official(s) and may question a witness for clarification purposes only.

5.7.1.2 The Chair of the Discipline Hearing Panel shall notify any advisers that the hearing will be conducted strictly in accordance with Ontario Soccer "Governing documents".

5.7.1.3 An adviser may not be granted an adjournment of the hearing on the grounds that he/she is not familiar with Ontario Soccer "Published Rules".

5.7.2 Observers

5.7.2.1 Each party required to attend a Discipline Hearing is entitled to have a maximum of two observers in attendance at the Discipline Hearing. They may not act as a witness nor provide any testimony but may speak at the discretion of the Discipline Hearing Panel.

5.7.2.2 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.

5.7.4 Witnesses

5.7.4.1 Each party required to attend a Discipline Hearing as well as the Milton Soccer Academy, is entitled to bring witnesses. Witnesses must appear in person. Written reports by witnesses are not acceptable.

5.7.4.2 There is no limit to the number of witnesses allowed, but they must add new testimony and the Discipline Hearing Panel can restrict the testimony of witnesses if the testimony given becomes repetitious.

5.7.7 Audio Visual Technology

5.7.7.1 A audio 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 recorded.

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

(Extracted from Ontario Soccer Governing Documents Section 12.0 Discipline
<http://www.ontariosoccer.net/governing-documents-discipline>)