

Discipline by Hearing – Rights of the Accused

Ontario Soccer Association Discipline Policy Section 5.4

Notification of Hearing

For Governing Organizations (NSA), all those required to attend a hearing shall be given fifteen (15) days' notice. Any Party (Accused) can request a waiver of Notice and have the Hearing scheduled prior to the complete fifteen (15) days elapsing by writing the NSA Office no later than four (4) days after receiving the Notice to Attend a Hearing.

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 (email to NSA) which must be received by the NSA 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 (refer to NSA Fees). Should the request be denied, the fee shall be refunded. The NSA shall have full discretion to refund the "Request for Postponement Fee" if sufficient reason warrants such action. Any Match Official required to attend does not have to pay the "Request For Postponement Fee" unless he/she is the accused.

Request for New Hearing

Those who request another hearing after failing to attend a hearing when required to do so, shall submit a written request (email to NSA) together with the recorded payment for the fee as specified by the NSA Fee table. This fee is non-refundable.

Pleading Guilty

An accused party may plead guilty and forego a hearing. Written notification of such guilty plea must be received by the NSA no later than four (4) days prior to the date of the hearing. In doing so, the accused party accepts the maximum penalty applicable to the O.S.A. Misconduct Type charged. The appropriate NSA Hearing 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 O.S.A. Published Rules.

Attendance at Discipline Hearing

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. An accused less than eighteen years (18) 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. (See section on Adviser)

Advisers

An adviser is a person eighteen years (18) years of age or older who provides advice to any party required to attend a Discipline Hearing. The adviser 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. Questions will be directed thru the Discipline Chair and not asked directly of the witness.

Observers

Each party required to attend a Discipline Hearing is entitled to have a maximum of two (2) 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.

Witnesses

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. 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.

Audio Visual Technology

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. Videotape evidence is acceptable provided it substantiates verbal evidence given by any party. Videotape evidence that simply seeks to show errors made by a Match Official shall be ruled out of order and not considered. Videotape evidence that shows possible errors in identification by the Match Official shall be allowed. Video evidence must be provided to the Discipline Panel a minimum of four (4) days prior to the hearing date and must not be altered in any form.

Rights of Appeal

Any party directly affected by a decision under the DBH system has the right to appeal that decision, in accordance with OSA Operational Procedure. The discipline decision shall remain in effect pending the result of the appeal.