

**2015**

**PROTEST, APPEAL AND**

**DISCIPLINARY**

**HEARING PROCEDURES**

**MANUAL OF OPERATION**

**ARIZONA YOUTH SOCCER ASSOCIATION  
PROTEST, APPEAL AND DISCIPLINARY HEARING PROCEDURES**

MANUAL OF OPERATION  
*(Revised 11/12/15)*

A.Y.S.A. POLICY STATEMENT  
(PLEASE READ THIS FIRST)

Any hearing of a protest, appeal, allegations of misconduct or grievance must be the result of a written cause of action including the printed name(s) and signature of the party(ies) requesting the action. No hearing or other administrative action shall result from circumstances of charges that are only communicated verbally or by email, excepting expedited red card appeals to the AYSA Vice President.

Proper documentation of all Grievance, Protest, Appeal, and Disciplinary Hearing matters must be maintained. All actions taken must be in accordance with the following procedures and time frames.

Please read this manual thoroughly. Any questions should be directed to the AYSA Protest, Appeals & Grievance Committee or the AYSA Disciplines & Rules Committee.

**IMPORTANT NOTICE**

THE CHAIRMAN OF ANY COMMITTEE, WHICH IS ESTABLISHED FOR THE PURPOSE OF HEARING A PROTEST, APPEAL, OR DISCIPLINARY MATTER, SHALL BE FAMILIAR WITH THE POLICIES AND PROCEDURES DEFINED HEREIN.

ANY CLAIM OF IGNORANCE OF THESE POLICIES AND PROCEDURES SHALL NOT BE SATISFACTORY GROUNDS FOR THE ALTERATION OR WAIVING OF SUCH POLICIES OR PROCEDURES.

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## SECTION ONE: DEFINITIONS

*(Revised 11/12/15)*

1. **GENERAL GRIEVANCES** are complaints of a general nature, which are not based upon specific rule violations and/or specific administrative decisions (or lack of decisions). Such "grievances" are handled differently from protests, appeals, or disciplinary hearings. Grievances must be filed with the immediate next higher authority and may be heard on an informal basis or with arbitration. All parties shall be given an opportunity to present arguments either in person or in writing to the adjudicating authority. There is only one adjudication level for a grievance and the decision produced is final with no appeal allowed.

2. **PROTESTS** are usually related to a specific game, administrative action or lack of action and are filed by one of the principal parties affected. Only those coaches or team administrators directly involved are permitted to submit a protest of game result. Time limits, if published by a competition authority, must be followed.

Protests by third parties are not permissible. Protests must be filed in accordance with the procedures and rules of the competition. They must be based on violation of published rules of the competition, AYSA or FIFA Laws of the Game. Protests cannot be accepted for "judgment calls of the referee". The rights of protest and appeal within the rules of the competition must be exhausted before proceeding to the next level of authority.

Level 1 Competition Authorities (tournaments, leagues and AYSA Cups) may choose not to allow game result protests if so stated within their published rules. If allowed, adjudication of protests of game results are the sole responsibility of the competition authority having jurisdiction and no further appeals of their decision is allowed. The decision is final and binding.

3. **APPEALS** arise as the result of an adverse decision from an administrative action or disciplinary hearing. Only those principal parties to the original action, who are adversely impacted by such decisions, shall have standing to appeal. No appeal shall be considered if filed by any other party. All appeals must be filed with the next higher authority. No appeal shall be heard by a member of any committee, board or other entity of the original hearing body/committee.

An appeal shall not have the effect of "staying" a previous ruling. That ruling remains in force, pending the result of the appeal. An appeal hearing is not a retrial and is limited to a review of written evidence, statements and testimony (if recorded), procedures, and lower level decisions.

4. **DISCIPLINARY HEARINGS** are administrative actions that result from written allegations of misconduct. Such misconduct must be prohibited by a published bylaw, rule, regulation, or procedure. A discipline committee shall only hear allegations of misconduct against individuals or entities within the jurisdiction of the convening authority.

Charges may only be brought by the elected and/or appointed officials of duly constituted clubs, leagues, tournament committees, or AYSA State Administrators. Referees are recognized as officials of such organizations in matters regarding game misconduct.

Discipline Hearings may be either "Open" or "Closed". The convening authority shall have rules that specify which type of hearing will occur. If the hearing is "open", a member who is charged with misconduct may not send a "representative" or "proxy" to attend in his/her place. Minors must be accompanied by a parent or legal guardian.

5. **OPEN HEARING** is a type of hearing (grievance, protest, disciplinary, or appeal) in which the principal parties and witnesses for both sides are directed to appear, and all necessary evidence shall be presented before members of the hearing committee. Testimony shall consist of witness statements and their answer to questions from the committee. Notarized statements of witnesses, not in attendance, shall be allowed.

An "open" hearing does not necessarily mean that it is open to anyone who wants to attend or watch. The committee may exclude spectators or limit the number as deemed prudent. They may reasonably limit the number of "advisors" assisting the member facing charges. They may also limit the amount of time allowed for testimony of principals and witnesses as long as the time allowed is the same for both sides of an issue.

6. **CLOSED HEARING** is a type of hearing that requires all testimony and evidence to be submitted in writing by a specific time and date. Parties may be given the opportunity to file written rebuttals to the arguments of the other party. Testimony and evidence may be considered by the Committee meeting together or by its members on an individual basis with a decision reached by mail or telephone.

7. **BAD STANDING** is a period where specific membership benefits are removed due to member's refusal to meet administrative or financial obligations to an affiliated authority. Bad Standing may exist along with Probation or Suspension. A member put in Bad Standing shall be afforded a hearing by the affiliated authority if requested. Only the imposing authority or a higher jurisdiction may modify or remove Bad Standing penalties.

8. **PROBATION** is an official period of warning wherein any further violations of League, AYSA, US Youth Soccer, US Soccer or FIFA Rules and Regulations or Bylaws may result in a hearing without regard to stated time limits in this manual. Conditions of Probation may be placed on the offender by the adjudicating authority. A period of Probation, itself, is not considered adverse action, and cannot be appealed; however, specific conditions of probation that remove or limit benefits of AYSA membership may be appealed. Violation of Probation in itself shall not be a cause of action for a hearing unless additional violations of the rules have occurred.

9. **SUSPENSION** shall be defined as a complete cessation of any and all affiliated activities (directly and indirectly). All benefits of membership are removed. Suspension from an affiliated organization (club, league, AYSA, US Youth Soccer, US Soccer) is suspension from them all. All affiliated members and organizations are required to observe the suspension of any member, or disciplinary action may result. Additional conditions of suspension may be imposed during the suspension period. When suspended, a member may not play for or practice with any team; may not coach or in any way assist in the instruction, training or management of a team or any of its players; may not hold any official position of responsibility within any affiliated organization.

## SECTION TWO: LINE OF JURISDICTION

(Revised 11/12/15)

1. The line of jurisdiction, in ascending order, follows:

- LEVEL 1:** Clubs, Tournament Authorities, State Cup Tournament Committee(s)
- LEVEL 2:** District Commissioners, Leagues, AYSA Disciplinary & Rules Committee
- LEVEL 3:** AYSA Board of Directors, AYSA Protest, Appeals & Grievance Committee.
- LEVEL 4:** United States Soccer Federation (USSF) Appeals Committee

**A. LEVEL 1: Clubs, Tournament Authorities, State Cup Tournament Committee(s).**

- (1). These bodies may be the first level of adjudication. They may hear original protests, appeals, and allegations of misconduct arising from events within their jurisdiction. These matters shall be GAME RELATED COMPLAINTS only or complaints referred to them by Level 2. Level 1 authorities SHALL NOT HEAR referee or non-referee assaults, referee physical or verbal abuse, overage player violations, or falsification of document cases unless Level 3 (AYSA) assigns a matter to a Level 1 authority.
- (2). These bodies shall establish their own protest and disciplinary hearing procedures. Such procedures must be published and available to all members in writing and include notification of the right to appeal and the procedures for doing so. These procedures and practices shall be in accordance with this manual and the USSF requirements and procedures.
- (3). If Level 1 fails to or chooses not to act on a protest, appeal or allegation of misconduct it shall be remanded to Level 2 for action.
- (4). There shall be only one level of adjudication at Level 1.
- (5). Appeals of Level 1 decisions shall be directed to Level 3. If a Level 1 appeal is from a club decision than it shall be sent to Level 3 and remanded to Level 2 to be heard at the League level.

**B. LEVEL 2: District Commissioners, Leagues, AYSA Disciplinary & Rules Committee.**

- (1). Level 2 Committees may consist of District Commissioners, Leagues or AYSA Discipline & Rules Committee. It shall be the responsibility of the AYSA Vice President-Administration to assign a matter to the appropriate authority within Level 2.
- (2). Leagues shall establish their own protest and disciplinary hearing procedures. Such procedures must be published and available to all members in writing and include notification of the right to appeal and the procedures for doing so. These procedures and practices shall be in accordance with this manual and the USSF requirements and procedures.

- (3). Level 2 may hold original hearings on all matters forwarded without action from Level 1, or cases remanded from Level 1, hold original disciplinary hearings including but not limited to the following: Referee Assault/Abuse (may be assigned by AYSA to a lower level), non-referee assaults; falsification of documents; overage player complaints. AYSA, at its discretion, may elevate any matter involving violation of AYSA, US Youth Soccer or US Soccer Rules directly from Level 1 to Level 2.
- (4) AYSA Disciplinary & Rules Committee shall hear last game "ejections" from AYSA sanctioned tournaments.
- (5). Appeals of the Level 2 Discipline & Rules Committee, League and District Commissioner decisions shall be directed to the Level 3 Protest, Appeals & Grievance Committee.

**C. LEVEL 3: AYSA Board of Directors, AYSA Protest, Appeals & Grievance Committee.**

- (1). Level 3 (AYSA BOD) shall hear all cases involving referee assault, referee physical abuse and referee verbal abuse and may hear cases involving serious risk management issues or related rule violations of other members associated with an incident or may assign them to an appropriate level.
- (2) Appeals of the Protest, Appeals & Grievance Committee decisions shall be directed to Level 4. In cases of a protest, where the original decision has been made by the Protest, Appeals & Grievance Committee, an appeal will be forwarded to the AYSA Board of Directors. The AYSA Vice President-Administration shall review cases for merit as needed.

**D. LEVEL 4: United State Soccer Federation (USSF) Appeals committee.**

- (1). The appeal of AYSA decisions shall be made in accordance with the provisions of USSF Rules. This manual's appendix contains the procedures for submittal of appeals to USSF.

**E. Expedited Red Card Appeals.**

**In the event a player or coach is issued a red card the player or coach in question may follow the normal protest and appeal procedures or may elect to pursue an expedited red card appeal so as to obtain a more timely decision.**

**(a) In an expedited red card appeals the coach or player must immediately notify the AYSA office and the AYSA Vice President of their intent to seek an expedited appeal in writing. In order to facilitate a quick response the player or coach is permitted to use e-mail to communicate to AYSA their desire to appeal the red card.**

**(b) Once the written request for an expedited appeal with supporting evidence is received by the AYSA Vice President or its designate the AYSA Vice President may investigate the red card which may involve interviewing the referees and any witnesses it deems appropriate as well as the player or coach involved.**

**(c) Once the AYSA Vice President or its designate has completed its investigation it may inform the player or coach appealing the red card telephonically or via e-mail of its resolution of the appeal.**

**(d) The AYSA Vice President or its designee may sustain the red card, lift the red card, sustain the red card penalty under the minimum red card suspension standards or reduce or modify the penalty as it deems appropriate and reasonable under the circumstances.**



**(e) If a player or coach is dissatisfied with the resolution of the red card appeal by the AYSA Vice President or its designate the player or coach may pursue the normal appeal procedures outlined in these rules but has no right to have such procedures expedited.**

### **SECTION THREE: EXHAUSTION OF REMEDIES**

*(Revised 11/12/15)*

- (1) No Member of AYSA, official, league, club, team, player, coach, administrator or referee may invoke the aid of the courts of the United States or of a state without first exhausting all available remedies within the appropriate soccer organizations, and as provided within AYSA.
  
- (2) For a violation of Bylaw 707 (Exhaustion of Remedies), the offending party shall be subject to suspension and fines, and shall be liable to AYSA for all expenses incurred by AYSA and its officers and members of the Board of Directors in defending each court action, including the following:
  - A. Court costs;
  - B. Attorney's fees;
  - C. Reasonable compensation for time spent by AYSA officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances;
  - D. Travel expenses; and
  - E. Expenses for holding special meetings necessitated by court action.
  - F. Telephone charges, copying charges, service of subpoenas, expert witness fees and costs, investigator and paralegal costs, filing fees, court reporter and deposition fees as well as any other reasonable expense incurred by virtue of the violation.

## SECTION FOUR: MANDATORY CONDITIONS

(Revised 11/12/15)

1. No person may sit on a hearing committee when any conflict of interest exists. If a Level 1 or Level 2 authority has an institutional conflict of interest with the issue being adjudicated, then the matter shall be referred to the next level of adjudication or to the AYSA Board of Directors for consideration. Decisions on the level of adjudication will be decided by the AYSA Vice President or other designate.
2. No Level 1 authority shall hear or adjudicate an allegation of Referee Assault or Referee Abuse. An allegation of an assault on a referee or assistant referee shall be immediately submitted to Level 3.
3. **No Level 1 authority shall hear or adjudicate an allegation on Non-Referee Assault when an injury has occurred. These matters shall be referred to Level 2.**
4. The hearing and adjudication of any protest or allegation of misconduct should be completed within sixty (60) days of the filing of the cause of action. If a decision is not reached within this period, the matter may be submitted to the next higher Level without determination with the appropriate fee applied to the Level.
5. At all Levels of the appeal process, if a decision is not reached within thirty (30) days of receipt of the written appeal, the party filing the appeal may submit the appeal to the next higher level without determination with the appeal fee submitted applied to that Level.
6. The decision and/or disciplinary sanctions imposed as the result of a hearing shall be binding on all levels, and shall be recognized by all affiliated organizations. The filing of an appeal shall not "stay" the execution of such decisions and/or disciplinary sanctions.
7. All original copies of evidence shall be retained by the hearing committee at which the evidence was first submitted. The official hearing packet submitted to a higher level committee in the appeal process shall be a true and exact copy of all original evidence submitted and accepted at the lower level hearing.
8. **It is the intention that there shall be no more than two (2) levels of hearings on any matter within AYSA—the original hearing and a possible appeal. The Appeals Committee may direct a rehearing and, thus, exceed the two hearing limit.**

## SECTION FIVE: FILING PROCEDURES & FEES

*(Revised 11/12/15)*

1. All Level 1 authorities shall establish well defined protest, appeal and disciplinary hearing procedures within their own organizations. Such procedures shall be published and available to their membership prior to the start of the competition and must be consistent with AYSA and USSF procedures.
2. A protest, appeal, allegation of misconduct or grievance shall be filed in writing and include:
  - A. The appropriate filing fee (if required).
  - B. The nature and specifics of the complaint.
  - C. A listing of rules or procedures that have been violated.
  - D. A statement of desired result.
  - E. All supporting documentation.
  - F. All witness statements and a list of witnesses expected to testify at the hearing with a summary of their expected testimony.
  - G. Shall be submitted within 15 days of an incident involving an allegation of referee assault, non-referee assault, referee physical abuse, referee verbal abuse. All other complaints/allegations of misconduct must be reported within thirty (30) days of the incident or discovery of the misconduct unless other deadlines have been established.
3. Filing shall be as follows:
  - A. The original document of the protest, appeal, allegation of misconduct or grievance, along with all supporting documents, shall be forwarded to the AYSA State Office by mail or delivered in person.
  - B. In the case of an appeal, the appeal must be placed in the mail and postmarked within ten (10) business days (Monday through Friday) of the receipt by the appellant of the decision being appealed unless the rules of the competition state otherwise.
  - C. In the appeal of a lower level decision, one (1) complete copy of the appeal shall be sent to the chairman of the lower level hearing board by the appellant. This shall serve notice of the appeal and offer the lower level authority the opportunity to respond in writing to the appeal board if such a response is felt necessary.

Upon receipt of the appeal, the lower level board shall submit a copy of the official documents, all evidence, and any additional documents reviewed to the higher level appeal board. This should be done within ten (10) days of receipt notification whether by telephone or in writing.
4. Filing Fees and Numbers of Copies Required:

- A. LEVEL 1 & LEVEL 2: The filing fee is established by each convening authority of the levels and shall be non-refundable. Number of copies as published by the appropriate authority.
  
- B. LEVEL 2 (AYSA Level Only) & LEVEL 3:
  - (1) Protest \$150 non-refundable
  - (2) Appeal \$150 non-refundable
  - (3) Allegation of Misconduct \$25
  - (4) Grievance \$25
  - (5) There should be five (5) copies of all documents.
  
- C. LEVEL 4: The filing fee is established by USSF. (It is currently \$300).
  - (1) Copies:       One (1) copy to USSF
  - One (1) copy to AYSA State Office
  - One (1) copy to Protest, Appeals & Grievance Committee

## SECTION SIX: PRE-HEARING PROCEDURES

*(Revised 11/12/15)*

### 1. Validation and Review of Protests, Appeals and Allegations of Misconduct

- A. Upon the filing of a protest, appeal or allegation of misconduct, the receiving authority shall conduct the following "Validation/Review" to determine the appropriate response or action to the filing.
- (1). Identify the principal parties involved.
  - (2). Determine that they are in good standing with AYSA. If not, the filing is void.
  - (3). In the case of a protest, determine the protesters standing to lodge a protest. (See Definitions: Protests).
  - (4). For an appeal, determine if the appeal is directly related and germane to the lower authority's decision. If not the appeal is rejected and returned.
  - (5). In the case of allegation of misconduct, determine that specific charges are made, that rules allegedly violated are cited (or sufficiently described), and a desired result is stated (a request for disciplinary action is a desired result). Note: a referee's game report and/or misconduct report is deemed to fulfill these requirements.
  - (6). Determine if the matter has been filed with the proper authority. (i.e. Referee Assault/Abuse goes directly to Level 3).
  - (7). Determine if the information necessary to adjudicate the matter is included. Vital information includes names, addresses, phone numbers, previous hearing minutes, applicable rules, referee's game report, witness statements, etc.
  - (8) Determine if the complaint has been filed within the required time limits.
  - (9) If sufficient information to adjudicate the matter is available, the principal parties are to be notified of receipt of the complaint and the date, time, and place of the hearing.
  - (10) Five (5) calendar days is considered sufficient time for the conduct of the "Validation/Review" unless documentary evidence is delayed or circumstances prevent obtaining pertinent information or documents.

### 2. Notification of Hearing

- A. All parties are entitled to a hearing with proper notification. Upon completion of the "Validation/Review," all involved parties shall be notified of the protest, appeal, allegation of misconduct, or grievance.
- B. Notification of the receipt of a protest, appeal, allegation of misconduct, or grievance and of the date, time, and place of a hearing, shall be communicated to the principal parties at the same time and by the same method. Notification shall be accomplished by Registered US Mail, Certified US Mail-Return Receipt Requested, or Federal Express-Signature Required.

(1) Notification shall contain the following:

- (a) A condensed restatement of the cause of action.
- (b) The charges and possible consequences if charges are true
- (c) The date, time and place of the hearing.
- (d) The type of hearing to be held
- (e) What limits or restrictions (if any) will be imposed on testimony or other proposed evidence.
- (f) Whether or not testimony may/must be in written form, and the date by which such written testimony must be received.
- (g) Any other special requirements.

### 3. Exchange of Allegations, Defenses and Evidence

(a) At least 10 days before the hearing may be held the complaint, written evidence including e-mails, letters and statements and a list of witnesses expected to be called along with a summary of their expected testimony shall be delivered to the accused party and the AYSA office by the party(ies) bringing the complaint.

(b) At least 5 days before the hearing the accused shall deliver to the party(ies) bringing the complaint and the AYSA office a concise statement of the accused's response and defenses to the complaint and a copy of all written evidence the accused intends to introduce at the hearing including letters, e-mails, statements and a list of witnesses intended to be called at the hearing along with a summary of their expected testimony.

## SECTION SEVEN: HEARING PROCEDURES

*(Revised 11/12/15)*

### 1. Committee Composition

- A. At all Levels, Committees hearing protests, appeals and allegations of misconduct shall be composed of persons having no conflict of interest nor direct association with the principal parties in the matter.
- B. No person shall hear a matter at more than one level of jurisdiction.
- C. No person shall testify as a witness and sit on the hearing committee.

2. The chairman shall appoint a person to record the proceedings of any open hearing. This person shall not be part of the hearing committee.

3. In all hearings conducted under these bylaws, the parties shall be accorded:

- A. Notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true;
- B. Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
- C. The right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend.
- D. A hearing before a disinterested and impartial body of fact-finders.
- E. The right to be assisted in the presentation of one's case at the hearing;
- F. The right to call witnesses and/or present oral and written evidence and argument;
- G. The right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing;
- H. The right to have a record made of the hearing if desired; and
- I. A written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

### 4. Agenda

A. The agenda at a hearing shall be as follows:

- (1) All parties, including witnesses, will be brought into the hearing chamber. The Chair will describe the following items:
  - (a) Statement of case to be Heard, including:
  - (b) Names of parties involved (including team, league, etc.)
  - (c) Specific event involved.
  - (d) Date of occurrence.
  - (e) Rule number and description of rules allegedly violated.
  - (f) Outcome requested by plaintiff.
- (2) Procedures for hearing, including:
  - (a) Plaintiffs and Defendants allowed to remain in hearing chamber. All witnesses are to wait in outer chamber.



- (b) All written evidence should have been presented in advance for distribution and inclusion in the evidence packet.
  - (c) All written evidence presented at the hearing will be passed to the Chair. The Committee/Board of Directors will vote on its acceptance as proper evidence.
  - (d) All questions/statements from involved parties will be addressed to the Chairman, who will ask the appropriate individual for an answer/rebuttal if he deems it pertinent.
  - (e) Witnesses may be recalled after initial testimony for further testimony and/or clarification.
  - (f) Decisions will be made and notification will be made in writing, within a reasonable time to both parties, including instructions for appeal.
- (3) All witnesses will then be excused to the outer chamber.
- (a) Plaintiff will present case.
  - (b) Witnesses for the plaintiff will be called individually.
  - (c) Committee/Board members will question plaintiff/witnesses as deemed necessary after each testimony has been given.
  - (d) Defendant will present case.
  - (e) Witnesses for defendant will be called individually.
  - (f) Committee/Board members will question defense/witnesses as deemed necessary after each testimony has been given.
  - (g) Any witnesses may be recalled as necessary.
  - (h) Plaintiff will make closing statement.
  - (i) Defendant will make closing statement.
- (4) Open hearing adjourned; parties excused; Committee/Board to deliberate.

## **SECTION EIGHT: EVIDENCE AND TESTIMONY**

*(Revised 11/12/15)*

1. The following shall apply to all hearings where evidence and/or testimony are allowed.
  - A. Evidence
    - (1) Unless the hearing officers elect at their discretion to waive this requirement, all evidence, such as player passes, team rosters, game report forms (line-up cards), letters, proof of age documents and other sources of written or printed information shall be originals or official copies only. No photocopies, Xerox copies, or other reproduction shall be acceptable. Notarized documents shall attest to the validity of the signature thereon and shall not attest to the validity of the information contained in the document.
    - (2) Proof-of-age documents shall conform to the proof-of-age rules of the competition.
  - B. Testimony
    - (1) All testimony shall be limited to the principal parties, eyewitnesses, and recognized authorities on the subject.
    - (2) If a witness cannot appear at an open hearing, written testimony shall be accepted. Notarization may be required at the option of the hearing authority, but only if such requirement was communicated in the notification of the hearing.
    - (3) Character witnesses and other third-party witnesses shall not be allowed.
    - (4) Testimony may be restricted with respect to time.
  - C. A lawyer shall not represent a team at a hearing unless he is a bona fide member of one of the teams involved.
  - D. A lawyer shall not represent an organization member at a hearing unless he is a bona fide organization member involved.
  - E. No matter in the nature of a dispute or claim shall be presented to or defended in this Association except by a bona fide member of the League, Association, Club or team which is concerned.

## **SECTION NINE: MINIMUM RIGHTS**

*(Revised 11/12/15)*

These minimum rights apply to hearings conducted under these bylaws:

1. Each party at a hearing shall have the right to have an individual present at the hearing to assist the party in presenting the party's case. Such individual may, but shall not be required to be, an attorney.
2. If the Complainant is represented by another individual at any hearing and the hearing panel allows that individual to speak, question the parties and /or witnesses, or grants that individual any other rights, then it shall afford all other parties, or the individual representing the party, including an attorney, the same rights during the course of the hearing as is allowed the individual representing the Complainant.
3. If an attorney is present at a hearing to assist a party in presenting the party's case, it shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with the AYSA hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.
4. The AYSA may allow, as part of the hearing rules and procedures, that an individual assisting a party may be allowed to speak on behalf of the party, make requests or ask questions at the hearing.
5. Regardless of whether the AYSA allows the individual assisting the party the rights to speak, make requests or ask questions, as noted section 4, an individual assisting the party in presenting the party's case shall have the right to be physically present in the hearing room, and so as not to interfere with the hearing procedure.
6. During the course of the hearing, the party may confer briefly with the individual who is assisting before making a statement or request or prior to responding to a question. The panel conducting the hearing may limit the frequency and duration of the conferences so as not to unduly interfere with the proceeding.
7. If there is confusion or concern, the party may request a recess to confer with the individual assisting the party. Such a request should be granted unless the number of requests by a party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.
8. An individual assisting a party may prepare written materials for the party and collect documents for the party. However, the party must submit or present the materials and documents as materials and documents of the party and not of the individual assisting. The party has complete responsibility for those materials and documents and is subject to questioning about them.
9. The AYSA may, but is not obligated to, allow greater rights to assistance than noted in the bylaw.

10. The rights, either mandatory or permissible under this policy, shall be consistently applied, and the AYSA shall not arbitrarily allow or disallow the rights set forth in this bylaw to those individuals assisting a party in the presentation; or defense of the party's case.

## **SECTION TEN: DECISIONS**

*(Revised 11/12/15)*

1. The decisions of the committee, and any disciplinary sanction imposed, shall respond only to the specific issues and allegations contained in the complaint (as filed).
2. Any other issue and/or rule violation, which may become known or apparent during the hearing, shall be referred to either the convening authority or a lower-level authority. This referral may be accompanied by a recommendation for appropriate action. When such matters are referred, notice of the referral shall be included with the notification of decisions rendered.
3. Decisions shall be reduced to written form, and shall be forwarded to the principal parties shall be communicated to the principal parties at the same time and by the same method within a reasonable time (Saturdays, Sundays and holidays excepted). Notification shall be accomplished by Registered US Mail, Certified US Mail-Return Receipt Requested, or Federal Express-Signature Required.
4. If a suspension is imposed upon a member of AYSA by an affiliated member, the AYSA office shall also receive a copy of the decision within a reasonable time (Saturdays, Sundays and holidays excepted). Notification shall be accomplished by Registered US Mail, Certified US Mail-Return Receipt Requested, or Federal Express-Signature Required. Suspension of players for less than thirty (30) days are exempt from this requirement.
5. Verbal communication of decisions shall not be permitted. Consideration should be given to ensure that the method chosen provides adequate notice to those impacted by the decisions(s).
6. Notification of the decisions shall include a statement of the procedure for appeal. The statement shall clearly indicate the appropriate level of jurisdiction, including the identity and address of the person and/or office to which the appeal must be directed.
7. Written minutes of all hearings will be considered proprietary and made available only on request from higher level authorities in the direct line of appeal.

## SECTION ELEVEN: PENALTY

*(Revised 11/12/15)*

1. Penalties - Guidelines for Sentencing
  - A. Penalties shall be in accordance with the following guidelines. These guidelines are intended to give minimum and maximum punishments.
    - (1). Referee Assault against an adult referee or adult assistant referee or any other adult reasonably construed to be an official as defined in Bylaw 816.
      - (a). For a minor or slight touching of the referee or the referee's uniform or personal property, at least 3 months from the time of the assault.
      - (b). For other assaults, at least 6 months from the time of the assault.
      - (c). If there is serious injury, a five (5) year minimum suspension or more if warranted.
    - (2). Referee Assault against a youth referee who is under the age of 17 by an adult.
      - (a). Minimum mandatory three (3) year suspension or a five (5) year minimum suspension if there is injury or more if warranted.
    - (3). Referee Abuse, both physical and verbal, against any referee or anyone construed to fall under the guidelines of Bylaw 816.
      - (a). Minimum mandatory three (3) game suspension unless the abuse is deemed to be terrorist threat or gestures; remarks or actions are gender or racially demeaning, Maximum can be up to seven (7) years.
    - (4). Falsification of Documents can be in any manner or matter.
      - (a). Minimum ninety (90) day suspension. Maximum can be up to seven (7) years.
    - (5). Other offense penalties should be decided based on committee judgment.
  - B. Alternative Penalties can and should be assigned in addition to other penalties or a combination of several penalties except where there is a minimum mandatory penalty as in assaults.
    - (1). Referee Certification - proof of completion to the hearing panel chairman and AYSA.
    - (2). Assignment to referee games (through any club, league or association) with proof of completion of assigned games to hearing panel chairman and AYSA from assigning authority.
    - (3). Counseling - Anger Management, Gender Sensitivity, Racial Sensitivity with proof of completion of required hours to hearing panel chairman and AYSA by appropriate agency.
  - C. Monetary Fines for (Level 2 (AYSA Hearings) & Level 3).
    - (1) Shall be assessed at the discretion of the hearing authority.

- (2) Any individual assessed a fine shall be given a minimum of thirty (30) days to pay.
- (3) Payment shall be payable to AYSA by cashier's check or money order,
- (4) Payment shall be sent to the AYSA Office. Envelope shall be clearly marked "fine".
- (5) Fine Amounts
  - (a) Minimum amount shall be \$50.
  - (b) Maximum amount shall be \$500.
- (6) Any fine not paid by an individual within the time frames allowed by AYSA may become the obligation of a team, club or league. Any team, club or league may be placed in Bad Financial Standing if the debt becomes delinquent.

#### D. Additional and Alternative Punishment and Penalties under the AYSA Respect the Game Policy

(1) In addition to the mandatory minimum suspensions listed in (a) above the hearing officers may increase the number of game suspensions, require anger management training, referee training and service as a game referee, community service, fines as well as other reasonable punishments.

(2) Both as to Red Cards and any other inappropriate behavior as set forth in the ASYSA "Respect the Game" policies, directed at a referee, another player, coach or spectator the hearing officers have the discretion to apply the "Respect the Game" policy punishments which include:

(i) First offense-- satisfactory completion of an anger management course selected by the hearing officers;

(ii) Second offense-- a \$250 fine;

(iii) Third offense—suspension from all youth soccer events including games, tournaments and practices for no less than one (1) year.

**NOTICE OF APPEAL**

**PLEASE ATTACH APPEAL FEE: \$300 (*Cashier's Check or Money Order ONLY*)**

\_\_\_\_\_ Cashier's Check

\_\_\_\_\_ Money Order

**Individual/Organization Filing Appeal (the "Appellant"):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

ZIP: \_\_\_\_\_

Home/Mobile Telephone No: \_\_\_\_\_

Work Telephone No: \_\_\_\_\_

**Opposing Party/National State Association Rendering Decision (the "Appellee"):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

ZIP: \_\_\_\_\_

State Association Telephone No: \_\_\_\_\_

State Association FAX No: \_\_\_\_\_

Name of State Association President: \_\_\_\_\_

REVISION DATE: 9/01/00



C. Date of Decision\* being Appealed: \_\_\_\_\_

\*APPELLANT: PLEASE BE SURE TO ATTACH A COPY OF THE DECISION TO THIS NOTICE OF APPEAL.

6. Please State Briefly the Reasons Why You Are Appealing the Decision: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Date Decision was received\* by Appellant: \_\_\_\_\_

\*APPELLANT HAS TEN (10) DAYS FROM DATE OF RECEIPT OF THE DECISION WITHIN WHICH TO FILE THIS NOTICE OF APPEAL WITH THE UNITED STATE SOCCER FEDERATION, INC. NATIONAL APPEALS COMMITTEE, TO THE ATTENTION OF THE PERSON AND AT THE ADDRESS SET FORTH BELOW:

I hereby certify that a true and correct copy of the Notice of Appeal, together with appropriate appeals fee in the amount of \$300 (in the form of a cashier's check or money order), made payable to: United States Soccer Federation, Inc., has been sent to:

United State Soccer Federation, Inc., National Appeals Committee  
C/O Daniel T. Flynn, Secretary General  
1801-1811 South Prairie Avenue, Chicago, IL 60616.

I further certify that a true and correct copy of the Notice of Appeal has been sent to the State Association and/or the State Association President listed in Section B above.

Dated: \_\_\_\_\_ Signature of Appellant: \_\_\_\_\_

## Bylaw 705: APPEALS PROCEDURES

- Section 1. The Appeals Committee shall hear and determine appeals from decisions by State Association relating to activities sponsored by the Federation and the State Association or its members. The decision of the Appeals Committee is final. The Appeals Committee has the power to call for the production of any documents and evidence the Appeals Committee may require.
- Section 2. An appeal shall be made in accordance with procedures established by the Board of Directors and is begun submitting a notice of appeal within 10 days from the date of the official receipt of the decision by the party making the appeal. Copies of the notice of appeal shall be sent to all opposing parties and to the Appeals Committee or other body whose decision is being appealed.
- Section 3. The notice of appeal shall be accompanied by the appeal fee in the form of a money order or cashier's check in an amount determined by the Board of Directors. The appeal fee shall be retained by the Federation.
- Section 4. The appeals committee or other body whose decision is being appealed shall within the 10 days of the date of the notice of appeal shall forward to the Secretary General and to all parties the official record utilized by it in making its decision. Parties should not resubmit documents contained in the official record.
- Section 5. Within the 20 days of the date of the notice of appeal, the appealing party shall submit to the Secretary General any argument it wishes to make in support of the appeal and shall furnish copies of the argument to all opposing parties and to the appeals committee or other body whose decision is being appealed.
- Section 6. Within 30 days of the date of the notice of appeal, all opposing parties shall submit to the Secretary General any argument they wish to make in opposition to the appeal.
- Section 7. A decision rendered by a State Association from which an appeal is taken is not suspended pending the final decision of the Appeals Committee unless the Committee otherwise orders. The decision of the State Association may be upheld, reversed, or reversed and remanded.

## Policy 705-1 – Appeals Committee

The Chair of the Appeals Committee (AC) and its members shall be appointed by the President, subject to the approval of the Board of Directors. The AC shall consist of at least twenty (20) members, at least 20% of whom shall be athletes.

Three (3) members of the AC shall constitute an Appeals Panel (AP) for the purposes of hearing and determining any appeal brought pursuant to Bylaw 705. In any appeal involving an athlete, at least one (1) member of the AP shall be an athlete member of the AC. In order to maximize the expertise of the AP and avoid conflicts of interest, the Chair of the AC shall select the AP as the need arises. The Chair shall also designate one member of the AP to act as the AP's Chairperson, who shall, among other things, be the member of the AP responsible for ensuring that the appeal is heard within the time periods prescribed by the Bylaws. No member of the AP may be from the State Association of the parties.

Appeals shall be heard in person or by telephone conference call at the Chair's direction; it shall be closed to the public. The AP may set time limits for oral argument, if any, as deemed appropriate by the AP.

The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.

No new evidence may be presented to the AP unless circumstances have materially changed, or new facts are discovered that were unavailable at the time of the original hearing. In such cases, the AP may allow that such new evidence be presented to it provided all parties to the appeal have been given notice and are prepared to respond to the materially changed circumstances or previously unavailable or undiscovered facts.

If an appellant fails to be present for the date set for argument of the appeal, and no continuance has been granted by the AP, the appeal shall be considered abandoned.

After the appeal has been heard, the AP shall render a final decision within ten (10) days of the completion of the appeal hearing.

The decision rendered by a State Association from which an appeal is taken may be suspended by the AP only upon written application by the appellant which accompanies the Notice of Appeal and the finding by the AP of good cause shown. Good cause shown may only be made upon unanimous vote of the AP and a written decision which specifically states that there is a strong likelihood of success upon the appeal and that circumstances are present which clearly show that the appellant will suffer irreparable harm unless the decision from which the appeal is taken is suspended pending the determination of the appeal. The decision of the AP regarding suspension of the decision pending determination of the appeal shall be final and may not be further appealed.

No decision which arises out of the application of the rules of competition which is made in the course of the competition, and has no consequence beyond the competition as herein defined, shall be appealable. For the purposes of this policy, the

term “competition” shall include games, tournaments, league play or a regular season. Nothing herein shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution and Bylaws of the United State Olympic Committee (“USOC”) relating to the opportunity of Athletes to participate in “protected competition” as defined in the USOC Constitution.

*(Amended 2/12/00)*

## Policy 705-2 Appeals Record

The appeals record shall be submitted by the State Association using the format attached hereto. The appeals record shall contain, at a minimum, the following:

1. All documents, exhibits and other evidence in the case.
2. Copies of all rules, procedures, and bylaws used to support the charges and to conduct the hearing.
3. The notice of charges and/or hearing provided the defendant/appellant.
4. The decision of the hearing body and any appeals decisions.

The record shall:

1. be numbered in chronological order
2. be indexed
3. contain only one copy of each document.

If audio or videotapes are made part of the record, there must be four (4) copies of any such tape delivered to the Federation.

If a written transcript has been prepared, it shall be included as part of the record.

The record must be in English. If Associations accept documents in other languages, then the Association shall be responsible for providing English translations of the documents prepared by a neutral translator agreed to by the parties.

If the record is not submitted in accordance with this policy, the appeal timetable may be put on hold pending the completion of the record or the appeal may be dismissed. If the appeals timetable is put on hold, the appealing party may apply to the Federation to have their penalty suspended until the case is decided.