



BYLAW PROPOSAL

PROPOSED BY: Rules & Revisions Committee

DATE RECEIVED: 12/14/22

BYLAWS 701-723

Changes to Bylaws 701-723 will be effective as of January 30, 2023.

PROPOSED AMENDMENT: Cite the bylaw (or subsection thereof) that you wish to change and write the bylaw as it would appear with your proposed revisions. Bylaw changes underlined.

Bylaw 701. GENERAL REQUIREMENTS

With the exception of suspensions as a result of litigation as defined in Bylaw 242 SUSPENSION BECAUSE OF LITIGATION and automatic red card penalties, every disciplinary action requires a hearing as defined in the ASA Hearing Manual.

Processes for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by those procedures.

Bylaw 702. DEFINITIONS

Definitions for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by these definitions.

Bylaw 703. GENERAL PROCEDURES

General Procedures for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by these procedures.

Bylaw 704. FILING FEES

Filing Fees for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by these filing fees.

Bylaw 705 **DOCUMENTATION PROCESSING**

Documentation Processing for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by those outlines for Documentation Processing.

Bylaw 706.

REGARDING RULES OF COMPETITION (Remains as is)

No decision which arises out of the application of the rules of competition that 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 bylaw, the term “competition” may include games, tournaments, league or regular season play. Nothing herein shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution and Bylaws of the USOC relating to the opportunity of Athletes to participate in “protected competition” as defined in the USOC Competition.

Bylaw 707. **EXHAUSTION OF REMEDIES (Remains as is)**

Section 1. No Member of ASA, 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 ASA.

Section 2. For a violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to ASA for all expenses incurred by ASA and its officers and members of the Board of Directors in defending each court action, including the following:

- (a) Court costs
- (b) Attorneys’ fees
- (c) Reasonable compensation for time spent by ASA 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.

Subpart B – Hearings

Bylaw 711 **Hearing Procedures**

Hearing Procedures for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these Hearing Procedures

Bylaw 712- TYPES OF HEARINGS

Types of Hearings for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by the definitions found therein

Bylaw 713 AGENDA

The agenda for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by the agenda.

Bylaw 714 EVIDENCE AND TESTIMONY

Evidence and Testimony requirements for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by the requirements

Bylaw 715 MINIMUM RIGHTS

Minimum Rights for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these Minimum Rights.

Bylaw 716 SERIOUS INFRACTIONS

Requirements in connection with Serious Infractions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements.

Bylaw 717. DECISIONS

Requirements with regard to decisions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements.

Bylaw 718 ASSAULT – CENSURE AND SUSPENSION

BYLAW 718 WILL REMAIN AS IS

Section 1.

- (a) When any person shall assault or abuse an official, jurisdiction shall vest immediately in the Board of Directors of this Association. An official, for the sole purpose of this specific ASA regulation, shall be defined as the referee, official linesman, referee assignor(s), referee administrator, any non-licensed, non-registered person serving in an emergency capacity as a referee, any club assistant referee, player, coach, team administrator, tournament director(s), tournament staff, or any officer or member of the Board of Directors of this Association,

member leagues and clubs. Misconduct towards officials may occur before, during and after the match, including travel to and from the match.

- (b) "Assault of an official" shall be defined as an intentional act of physical violence upon an official and shall include, but not be limited to, hitting, kicking, punching, choking, spitting at, or on, grabbing or bodily running into an official, kicking or throwing any object that could inflict injury, damaging an official's uniform or personal property; i.e., car, equipment, etc.
- (c) "Verbal Abuse of an official" shall be defined as a verbal statement or physical act not resulting in bodily contact, which implies or threatens physical harm to an official or the official's property or equipment.
- (d) "Abuse of an official" shall be defined as, but not limited to, using foul or abusive language toward the official, threatening the official with remarks that carry implied or direct threat of physical harm, and spewing a beverage on an official or his property; or spitting at (but not on) the referee.

Section 2. It shall be mandatory upon the Board of Directors of this Association to execute the provisions of this regulation within THIRTY (30) days of notification of the offense except in cases involving players only. Where only players are involved, the appropriate competition authority may adjudicate the matter.

Section 3. Referee Assault against an adult referee or adult assistant referees or any other adult reasonably construed or defined to be an official in Bylaw 816.

Bylaw 719.

Penalties for Protests, Appeals, Disciplinary Actions and Grievances can be found in the US Soccer Policies & Procedures as well as the ASA Hearing Manual. ASA and its members are bound by these penalties.

Subpart C – Appeals

Bylaw 721. APPEALS COMMITTEE

Requirements for the Appeals Committee for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

Bylaw 722 APPEALS PROCEDURES

Appeals Procedures for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements.

Bylaw 723. DECISIONS

Requirements with regard to decisions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements.

HOW THE BYLAW WOULD BE CHANGED: Write the bylaw tracking your proposed changes. Underline new language and strike out language that you wish to delete.

Bylaw 701. GENERAL REQUIREMENTS

With the exception of suspensions as a result of litigation as defined in Bylaw 242 ~~SUSPENSION BECAUSE OF LITIGATION~~ and automatic red card penalties, every disciplinary action requires a hearing as defined in ~~ASA Bylaw 702, Section 3~~ **the ASA Hearing Manual.**

Processes for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by those procedures.

~~The following hearing and appeal procedures guarantee the rights of individuals to participate and compete in activities sponsored by the Arizona Soccer Association and its members to appeal grievances to the US Soccer Appeals committee that has the jurisdiction to approve, modify or reverse a decision.~~

- ~~Section 1. Each Member Organization shall hear initial protests and infractions arising from games and other activities played under their jurisdiction.~~
- ~~Section 2. Each Organization Member shall have grievances, disputes and disciplinary hearing, protest and appeals provisions in its bylaws, rules or other document that clearly states the procedures under which adjudication of appeals and other disciplinary matters shall occur. Such procedures must be in writing and be promulgated to their membership prior to the commencement of the regular seasonal competition and must include the notification of the right to appeal to the ASA Level 1 Board of Directors Committee and the procedure for so doing.~~
- ~~Section 3. If an Organization Member does not have those procedures required by Section 2 of this bylaw, then the ASA procedures apply.~~
- ~~Section 4. Any committee or other authority hearing and/or deciding on grievances, disputes, protest or appeal:~~
- ~~(a) Shall be composed of people who have no conflict of interest in the matter being heard;~~
 - ~~(b) Shall not include any person who has adjudicated the matter at any other level;~~
 - ~~(c) Shall not be composed of less than three persons, and five persons are preferred.~~

Bylaw 702. DEFINITIONS

Definitions for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by these definitions.

Section 1.

~~Protests are:~~

- ~~(a) Generally related to a specific game or administrative action and are filed by one of the involved parties. Protests cannot be filed by third parties.~~
- ~~(b) Must be based upon violation of the published rules of the competition, governing documents, or application of FIFA Laws of the Game.~~
- ~~(c) Are only to proceed to the next level after the rights of protest and appeal are exhausted at the initial levels whose jurisdiction the protest or appeal falls within.~~

Section 2. Appeals are:

- ~~(a) The result of an adverse decision from a protest hearing, administrative action, disciplinary hearing or lower level appeal. Only those parties to the original action, who are adversely impacted by such decisions, shall be allowed to appeal.~~
- ~~(b) Not to have the effect of “staying” a previous ruling. Previous decisions remain in force, pending the result of the appeal.~~

Section 3. Disciplinary hearings are:

- ~~(a) A result from allegations of misconduct. Such misconduct must be a violation of a published rule, regulation or procedure.~~
- ~~(b) To be heard only by the disciplinary committee within the jurisdiction of the convening authority.~~
- ~~(c) A result of Complaints of a general nature.~~

Bylaw 703. GENERAL PROCEDURES

Definitions for Protests, Appeals, Disciplinary Actions and Grievances are found in the ASA Hearing Manual. ASA and its members are bound by these procedures.

Section 1. A protest, appeal, allegation of misconduct, or grievance must be filed in writing and must include:

- (a) The nature and specifics of the complaint.
- (b) A listing of the rules or procedures which have been violated.
- (c) A statement of the desired resolution.
- (d) Proper filing fee.

Section 2. 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 appropriate chairperson by Registered US Mail; Certified US Mail Return Receipt Requested; or, Federal Express Signature Required.
- (b) In the case of an appeal, seven copies of the appeal and all supporting documents must be submitted by Registered US Mail; Certified US Mail Return Receipt Requested; or, Federal Express Signature Required within forty eight (48) hours of the receipt by the appellant of the prior adverse ruling (Saturday, Sunday and holidays excluded unless the rules of the competition state otherwise).
- (c) Additionally, in an appeal of a lower level decision, one (1) copy shall be sent to the chairman of the hearing board whose decision is being appealed; one copy (1) shall be sent to the president of the organization member whose jurisdiction the original decision was generated from; and, one (1) copy shall be sent to the President of the ASA. These copies shall serve as notice of the filing of an appeal.
- (d) Upon such notification, the chairman of the lower level hearing board shall immediately submit all retained evidence and documentation to the next higher level. This submittal shall also be by Registered US Mail; Certified US Mail Return Receipt Requested; or, Federal Express Signature Required.

Section 3. The conduct of the hearing shall be as determined by the rules of the Organization Member or, in the case of ASA, by the Board of Directors.

Section 4. A written record (called the official record) shall be kept of the proceedings.

Section 5. All hearings shall be scheduled to be held within 30 days from the date of proper filing (see section 705).

Bylaw 704. FILING FEES

Filing Fees for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these filing fees.

Section 1.

~~The fee for filing a protest, appeal, allegation of misconduct, or grievance will be set by the Board of Directors and approved by the General Assembly. A. Under Bylaw 722, section 1, levels 2 and level 3:~~

- ~~(1) Allegation of Misconduct \$100.00~~
- ~~(2) Grievance \$100.00~~

~~B. Under Bylaw 722, Section 2, level 2 and level 3:~~

- ~~(1) Appeal \$100.00~~

~~Section 2. All filing fees are non-refundable, regardless of the outcome except that the Protest, Appeal & Grievance Committee shall have the discretion of refunding the fee if a fine of a lower level jurisdiction has been overturned.~~

~~Bylaw 705. DOCUMENTATION PROCESSING~~

Documentation Processing for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by those outlines for Documentation Processing.

~~Upon filing of a protest, appeal, allegation of misconduct or grievance, the receiving authority shall institute the following procedures:~~

~~Section 1. The appropriate action or response shall be determined by conducting a "validation/review" of the following:~~

- ~~(a) Identifying the principal parties involved. (b) Determining if they are in good standing.~~
- ~~(c) In the case of a protest, determining the protester's right to lodge a protest.~~
- ~~(d) In the case of an appeal, determining if the appeal is directly related and germane to the decision of the next lower authority. (If not, the appeal must be rejected and returned.)~~
- ~~(e) Determining if all the information necessary to adjudicate the matter and reach a decision is included.~~
- ~~(f) Determining whether the matter has been filed with the proper authority.~~
- ~~(g) Determining that specific charges are made; the rules allegedly violated are cited; and the desired resolution has been stated. NOTE: Five (5) working days are considered sufficient for the conduct of the "validation/review." The 30-day time limit will begin upon completion.~~

~~Section 2. 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, and allegation of misconduct or grievance within five (5) working days~~

~~Section 3. 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 or by electronic means, or both.~~

- ~~Section 4. Notification shall contain the following:~~
- ~~(a) A condensed restatement of the cause of action.~~
 - ~~(b) The date, time and place of the hearing.~~
 - ~~(c) The type of hearing to be held (see section 712).~~
 - ~~(d) What limits or restrictions (if any) will be imposed on testimony.~~
 - ~~(e) Whether or not the testimony may/must be in written form, and the date by which such written testimony must be received.~~
 - ~~(f) Any other special requirements.~~

Bylaw 706. REGARDING RULES OF COMPETITION

No decision which arises out of the application of the rules of competition that 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 bylaw, the term "competition" may include games, tournaments, league or regular season play. Nothing herein shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution and Bylaws of the USOC relating to the opportunity of Athletes to participate in "protected competition" as defined in the USOC Competition.

Bylaw 707. EXHAUSTION OF REMEDIES

Section 1. No Member of ASA, 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 ASA.

Section 2. For a violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to ASA for all expenses incurred by ASA and its officers and members of the Board of Directors in defending each court action, including the following:

- (f) Court costs
- (g) Attorneys' fees
- (h) Reasonable compensation for time spent by ASA officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances
- (i) Travel expenses; and,
- (j) Expenses for holding special meetings necessitated by court action.

Subpart B – HEARINGS

Bylaw 711~~7~~ HEARING PROCEDURES

Hearing Procedures for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these Hearing Procedures

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 factfinders;
- (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.

Bylaw 712~~7~~ TYPES OF HEARINGS

Types of Hearings for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by the definitions found therein.

The method of holding a hearing may vary. Basically, there are two types:

Section 1. Open Hearings

- (a) Open hearings shall be held with the principal parties, witnesses for both sides, actually appearing or being present by other electronic means that allows all appropriate participants to be present before the members of the Hearing Committee. All necessary evidence must also be available to all parties.
- (b) Testimony from witnesses need not be taken in the presence of another witness but the principal parties may be present for all proceedings except the deliberations of the Hearing Committee.
- (c) Deliberations may occur, and decisions may be reached, in either open or closed sessions.

Section 2. Closed Hearings

- (a) Closed hearings require that all testimony and evidence (including rules) be submitted in writing.
- (b) The principal parties must submit all evidence in written form, as specified by the notification.

Bylaw 713. AGENDA

The agenda for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by this Agenda.

~~Section 1. The agenda for a hearing shall be as follows:~~

- ~~(a) All parties, including witnesses, will be brought into the hearing chamber. The Chair will describe the following items:~~
- ~~1. Statement of case to be heard, including:~~
 - ~~i. Names of parties involved (including team, league, etc.)~~
 - ~~ii. Specific event involved~~
 - ~~iii. Date of occurrence~~
 - ~~iv. Rule number and description of rules allegedly violated~~
 - ~~v. Outcome requested by plaintiff~~
 - ~~2. Procedures for hearing, including:~~
 - ~~i. Plaintiffs and Defendants allowed to remain in hearing chamber. All witnesses to wait in outer chamber;~~
 - ~~ii. All written evidence should have been presented in advance for distribution and inclusion in the evidence packet.~~
 - ~~iii. 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;~~
 - ~~iv. All questions/statements from involved parties will be addressed to the Chair, who will ask the appropriate individual for an answer/rebuttal if he/she deems it pertinent.~~
 - ~~v. Witnesses may be recalled after initial testimony for further testimony and/or clarification.~~
 - ~~vi. Decisions will be made, and notification will be made in writing, within forty eight (48) hours (excluding Saturdays, Sundays and holidays) to both parties.~~
- ~~(b) All witnesses will then be excused to the outer chamber.~~
- ~~1. Plaintiff will present case.~~
 - ~~2. Witnesses for the plaintiff will be called individually.~~
 - ~~3. Committee/Board members will question plaintiff/witnesses as deemed necessary after each testimony has been given.~~
 - ~~4. Defendant will present case.~~
 - ~~5. Witnesses for defendant will be called individually.~~
 - ~~6. Committee/Board members will question defendant/witnesses as deemed necessary after each testimony has been given.~~
 - ~~7. Any witnesses will be recalled as necessary.~~
 - ~~8. Plaintiff will make closing statement.~~
 - ~~9. Defendant will make closing statement.~~
- ~~(c) Open hearing adjourned; parties excused; Committee/Board to deliberate.~~

Evidence and Testimony requirements for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by the requirements

The following shall apply to all hearings where evidence and/or testimony are allowed:

~~Section 1. Evidence~~

- ~~(a) All evidence, such as player passes, team rosters, game report forms (lineup cards) and letters, proof of age documents and other sources of written or printed information shall be original or official copies only. No photocopies, Xerox copies or other reproductions 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.~~
- ~~(b) Proof of age documents shall conform to the proof of age rules of competition.~~

~~Section 2. Testimony~~

- ~~(a) All testimony shall be limited to the principal parties, eyewitnesses and recognized authorities on the subject.~~
- ~~(b) 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.~~
- ~~(c) Character witnesses and other third-party witnesses shall not be allowed.~~
- ~~(d) Testimony may be restricted with respect to time.~~

~~Section 3. A lawyer shall not represent a team at a hearing unless he/she is a bona fide member of one of the teams involved.~~

~~Section 4. A lawyer shall not represent an organization member at a hearing unless he is a bona fide organization member involved.~~

~~Section 5. 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.~~

Bylaw 715 MINIMUM RIGHTS

Minimum Rights for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these Minimum Rights

These minimum rights shall apply to hearings conducted under these bylaws.

~~Section 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.~~

- ~~Section 2. If the Complainant/Plaintiff 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/Plaintiff.~~
- ~~Section 3. It shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with the ASA hearing Rules and Procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.~~
- ~~Section 4. The ASA may provide, 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.~~
- ~~Section 5. Regardless of whether the ASA allows the individual assisting the party the rights to speak, make requests or ask questions, as noted in 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.~~
- ~~Section 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.~~
- ~~Section 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.~~
- ~~Section 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.~~
- ~~Section 9. The ASA may, but is not obligated to, allow greater rights to assistance than noted in this bylaw.~~
- ~~Section 10. The rights, either mandatory or permissible under this policy shall be consistently applied, and the ASA 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.~~

Bylaw 716. SERIOUS INFRACTIONS

Requirements in connection with Serious Infractions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

~~Formal and open hearings shall be conducted in cases of initial infractions that are considered serious enough to potentially involve disciplinary action that could result in a suspension of more than three (3) matches (in cases where game or match suspensions are meted out) or a suspension of more than four weeks or one month (in cases where time suspensions are meted out).~~

Bylaw 717. DECISIONS

Requirements with regard to decisions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

- ~~Section 1. The decisions of the committee, and any disciplinary sanction imposed, shall respond only to the specific issues and allegations contained in the complaint was filed.~~
- ~~Section 2. Any other issue and/or rules 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.~~
- ~~Section 3. Decisions shall be reduced to written form and shall be communicated to the principal parties at the same time and by the same method within forty eight (48) hours of the conclusion of deliberations (Saturdays, Sundays and holidays excepted). Notification shall be accomplished by Registered US Mail or by electronic means, or both~~
- ~~Section 4. If a suspension is imposed upon a member of ASA by an affiliated member, the ASA office shall also receive a copy of the decision within forty eight (48) hours of the conclusion of deliberations (Saturdays, Sundays and holidays excepted). Notification shall be accomplished by Registered US Mail or by electronic means or both. Suspension of players for less than thirty (30) days is exempt from this requirement.~~
- ~~Section 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 decision(s).~~
- ~~Section 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.~~

Section 7. ~~Written minutes of all hearings will be considered proprietary and made available only on request from higher level authorities in direct line of appeal.~~

Section 8. ~~All leagues being a part of ASA and ASA itself shall report no less than monthly to the ASA BOD all and any Discipline and Appeal Actions. At a minimum, the report shall show the date of offense, club name, team name, State ID# if an individual, description if not a carded individual (parent, supporter), offense and decision.~~

Bylaw 718. ASSAULT - CENSURE AND SUSPENSION

Section 1.

- (e) When any person shall assault or abuse an official, jurisdiction shall vest immediately in the Board of Directors of this Association. An official, for the sole purpose of this specific ASA regulation, shall be defined as the referee, official linesman, referee assignor(s), referee administrator, any non-licensed, non-registered person serving in an emergency capacity as a referee, any club assistant referee, player, coach, team administrator, tournament director(s), tournament staff, or any officer or member of the Board of Directors of this Association, member leagues and clubs. Misconduct towards officials may occur before, during and after the match, including travel to and from the match.
- (f) "Assault of an official" shall be defined as an intentional act of physical violence upon an official and shall include, but not be limited to, hitting, kicking, punching, choking, spitting at, or on, grabbing or bodily running into an official, kicking or throwing any object that could inflict injury, damaging an official's uniform or personal property; i.e., car, equipment, etc.
- (g) "Verbal Abuse of an official" shall be defined as a verbal statement or physical act not resulting in bodily contact, which implies or threatens physical harm to an official or the official's property or equipment.
- (h) "Abuse of an official" shall be defined as, but not limited to, using foul or abusive language toward the official, threatening the official with remarks that carry implied or direct threat of physical harm, and spewing a beverage on an official or his property; or spitting at (but not on) the referee.

Section 2. It shall be mandatory upon the Board of Directors of this Association to execute the provisions of this regulation within THIRTY (30) days of notification of the offense except in cases involving players only. Where only players are involved, the appropriate competition authority may adjudicate the matter.

Section 3. Referee Assault against an adult referee or adult assistant referees or any other adult reasonably construed or defined to be an official in Bylaw 816.

Bylaw 719. **PENALTIES**

~~Penalties or Protests, Appeals, Disciplinary Actions and Grievances can be found in the US Soccer Policies & Procedures as well as the ASA Hearing Manual. ASA and its members are bound by these penalties~~

Section 1. ~~Penalties shall be those provided in the US Soccer Policies & Procedures & Procedures as they refer to misconduct of any kind and also those found in the ASA Hearing Manual.~~

Section 2. ~~Effective January 28, 2018, a one-game suspension as a result of an infraction by a player, coach, assistant coach or trainer may not be appealed a red card was shown or not.~~

Subpart C – Appeals

Bylaw 721. APPEALS COMMITTEE

Requirements for the Appeals Committee for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

~~Section 1. 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.~~

~~Section 2. The Chair of the Appeals Committee and its members shall be appointed by the President with the approval of the BOD. The Appeals Committee shall consist of at least twenty (20) members, at least 20% of whom shall be athletes.~~

~~Section 3. 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 same club of the parties.~~

~~Section 4. Appeals shall be heard in person or by telephone conference call or by other electronic means that allows all appropriate participants to be present 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.~~

~~Section 5. The Appeals Committee shall hear and determine appeals from decisions rendered by~~

~~Organizational Members relating to activities sponsored by ASA or its members. The Appeals Committee has the power to call for the production of any documents and evidence the Appeals Committee may require.~~

~~Section 6. All ASA Level 2 Board of Directors Appeal Committee hearings will be closed hearings.~~

Bylaw 722 APPEALS PROCEDURES

Appeals Procedures for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

Section 1-

There shall be four (4) levels of adjudication within ASA/USSF. They are:

Level 1: Clubs, Tournament Authorities, and State Cup/Presidents' Cup Tournament

Committees.

Level 2: District Commissioners, Leagues, and ASA Disciplinary Committee.

Level 3: ASA Board of Directors ASA Protest, Appeals and Grievance Committee.

Level 4: United States Soccer Federation (USSF) Appeals Committee.

Section 2-

There shall be two (2) levels of appeal within the ASA. They are:

Level 1: District Commissioners, Leagues.

Level 2: The ASA Board of Directors ASA Protest, Appeals and Grievance Committee.

Section 3-

All parties will be notified in writing of the timeline and procedures for the preparation and exchange of documentation.

Section 4-

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 Appeal Committee or other body whose decision is being appealed.

Section 5-

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 6-

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 7-

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 8-

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 9-

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

Section 10 ~~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.~~

Section 11 ~~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.~~

Bylaw 723.

DECISIONS

Requirements with regard to decisions for Protests, Appeals, Disciplinary Actions and Grievances can be found in the ASA Hearing Manual. ASA and its members are bound by these requirements

Section 1. ~~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.~~

Section 3. ~~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 related thereto.~~
- ~~5. Be numbered in chronological order~~
- ~~6. Be indexed~~
- ~~7. contain only one copy of each document.~~

- Section 4. ~~If audio or videotapes are made part of the record, there must be four (4) copies of any such tape delivered to the Federation.~~
- Section 5. ~~If a written transcript has been prepared, it shall be included as part of the record.~~
- Section 6. ~~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.~~
- Section 7. ~~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.~~

RATIONALE: Explain the rationale for your proposal and the intended effect of the change.

The ASA/US Soccer Hearing Manual was put into the Bylaws 8 years ago. While ASA will follow the US Soccer Manual, the sections identified should be in the Manual, not the Bylaws.