

Minnesota Youth Soccer Association

Hearings Policy Manual



POLICIES OF MYSA HEARINGS

1.0 Overview

The following policies set forth the procedure for levying and appealing penalties for grievances and complaints, and for conducting hearings. The MYSA Board of Directors may amend, supplement or repeal these policies at any time.

Any hearing of any allegation of misconduct must be as the result of a written complaint, no hearing or other administrative action shall result from circumstances of charges which are only communicated verbally. Proper documentation of all Hearing matters must be maintained. All actions taken must be in accordance with the MYSA procedures and time frames.

No member of MYSA, official, league, club, team, player, coach, administrator or referee may invoke the aid of the courts in the United States or of a State without first exhausting all available remedies within MYSA and its member organizations, US Youth Soccer and as provided by US Soccer. For violation of this policy, the offending party will be subject to penalties and will be liable to the MYSA for all expenses incurred by MYSA and its member organizations, officers, and members of the Board of Directors in defending each court action, including but not limited to the following: court costs; attorney's fees; reasonable compensation for time spent by the MYSA officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances; travel expenses; and expenses for holding special meetings necessitated by the court action.

A claim of ignorance of these policies and procedures shall not be satisfactory grounds for alteration or waiving of such policies or procedures. Please read this manual thoroughly. Any questions should be directed to the MYSA Executive Director.

2.0 Definitions

The following definitions are intended as a guide to these policies.

Appellant: The party filing a notice of appeal, regardless of their status at the hearing level.

Complainant: The person making a complaint under the policy, or in the case of an immediate suspension imposed under this policy or any MYSA policy, the MYSA official imposing the immediate suspension.

Fine: A monetary sanction that may or may not involve a suspension or sanction.

Hearing: A procedure, as specifically set forth in this policy, to provide a person receiving or facing penalties with an opportunity to present their defense of the charges against them.

Hearing Board or Panel: A group of individuals selected by the MYSA consisting of individuals to hear complaints or to review imposed or proposed penalties.

Reviewer: A person appointed by the MYSA Board of Directors to review complaints.

Party: Either the complainant or the respondent.

Respondent: The person against whom a complaint is made or, in the case of an immediate penalties imposed under this policy, the person suspended. Also, the party responding to an appeal, regardless of their status at the hearing level.

Suspension: The loss of the right to participate as a coach, player, official, or otherwise, from the MYSA, US Youth Soccer, USSF or FIFA authorized or sanctioned activities.

Sanction: The denial of privileges afforded under membership in the MYSA.

3.0 Violations of MYSA Policies & Bylaws; Suspensions; Complaints

3.1 Authority

The Board of Directors of MYSA delegates to the MYSA Hearing Panel its authority to carry out this policy. In carrying out this policy, the Panel shall conduct hearings and follow hearing procedures applicable to allegations of referee abuse. A decision of the Panel is the final decision of MYSA, but the decision may be appealed to USSF.

3.2 Violations

Violations of any MYSA policies or bylaws (including such policies, rules and laws that are applicable to MYSA through US Youth Soccer, USSF and FIFA) may result in the suspension of the violator(s) from participation in MYSA, US Youth Soccer, USSF or FIFA authorized or sanctioned activities. Suspensions may result from a complaint filed by another member of the MYSA, or at the instigation of authorized members of the MYSA Board of Directors. Suspensions may result from violations of certain polices contained in the policy manuals or MYSA bylaws.

3.3 Suspensions

In addition to the violations set forth above and in the policies of MYSA, any coach, manager, player or MYSA member may be suspended for any violations of FIFA, US Soccer, US Youth and MYSA rules, policies and/or bylaws.

Notwithstanding anything contained herein to the contrary, a hearing is not required prior to suspension in the event of:

- a. Referee assault; or
- b. Suspension for a specific number of games pursuant to the rules of competition, such as a suspension due to a red card offense.

Though suspension may be imposed prior to a hearing for the above offenses, the suspended party may request a hearing in accordance with this policy.

Any suspension for alleged referee abuse or assault, or for a suspension based upon violent conduct is governed under USSF Policy 531-9.

3.4 Complaints

3.4.1 FILING A COMPLAINT

A participant member may file a complaint against any MYSA member for a violation of MYSA policies and rules, or any other applicable rule. A complaint must be made within sixty (60) days of the alleged violation unless there are extenuating circumstances (for example, a player makes an allegation of sexual harassment at the end of a season and the incident occurred at the beginning of the season). The MYSA Executive Director shall review a complaint filed more than sixty (60) days after the alleged violation to determine if there are extenuating circumstances.

If they agree there are extenuating circumstances, the complaint will be considered as being filed. A complaint is not permitted against a member of the MYSA Board of Directors, staff or other volunteer who is acting within their capacity of the organization, unless the complaint is approved by the MYSA President.

In the event of an immediate suspension, the MYSA official imposing the suspension shall file a written report with the MYSA, which shall trigger the opportunity for a hearing. The written report must be filed with the MYSA office within ten (10) days of the notification of the suspension. All complaints must state the policy, rule or bylaw alleged to have been violated and the behavior claimed to violate the policy, rule or bylaw. Complaints that do not allege a policy, rule, or bylaw violation, that are not fully submitted or that deal with on-the-field judgment calls by referee will not be investigated.

3.4.2 REVIEW OF COMPLAINTS

All complaints properly and fully submitted within ten (10) days, will be reviewed by a person designated by the MYSA Board of Directors. A complaint will be considered properly and fully submitted when:

- a. all portions of the complaint form are filled out and is signed by complainant(s);
- b. the allegations are relevant to MYSA policy contained herein; and
- c. the alleged violation is not an on the field call by a referee.

The reviewer may request or accept information orally or in writing from other persons who may possess relevant information regarding the complaint. The reviewer shall determine if the complaint is complete. The reviewer shall, within ten (10) business days, prepare a written summary of the review and submit the summary to the MYSA Executive Director. The MYSA Executive Director shall promptly send the reviewer's summary, if any, to the respondent and the complainant.

If the Executive Director determines if the complaint is not complete and if the complainant does not request a hearing as provided in this policy, the complaint will be dismissed. If the reviewer determines the complaint to be a grievance and not a policy violation, the complainant will be informed in writing. If the reviewer of the complaint determines the complaint is complete, the matter shall be referred to a MYSA hearing panel for a hearing in accordance with this policy.

4.0 Hearings

4.1 Scheduling of the Hearing

A reasonable time will be allowed to prepare for a hearing. No hearing will be held on less than ten (10) business day's written notice.

4.2 Waiving a Hearing; failure to appear

The person against whom a suspension has been imposed, or against whom a suspension has been recommended, may request a waiver in writing and submit it to the Executive Director of MYSA. A written waiver of the right to a hearing shall be seen as an acceptance of the recommended suspension. A party not appearing at the hearing may present written testimony and evidence. Failure to appear or present any evidence shall operate as a waiver of the right to a hearing.

4.3 Makeup of the hearing panel

A hearing panel shall consist of no less than three (3) nor more than five (5) members, and shall include a chairperson.

4.4 Conduct of the Hearing: general

Hearings are not open to the public, nor to any member of the MYSA, except as specifically authorized by the policy. A hearing is not a court of law. Legal rules of procedure or evidence do not apply and need not be observed. Individuals appearing at a hearing as either the complainant or respondent have the right to consult with counsel or an advisor. The counsel or advisor may attend the hearing and the individual(s) may consult with them during the hearing. If this consultation becomes excessive or disruptive, the chairperson may limit or deny further consultation. The counselor or advisor may not participate in the hearing process, such as by asking questions, presenting testimony, or making statements, arguments or objections.

4.5 Conduct of the Hearing: evidence and testimony

The respondent will appear before the hearing panel. Both sides have the right to present oral and written evidence and argument. The complainant and respondent have the right to be present for all the proceedings except the actual deliberations of the hearing panel.

The hearing panel may, at its discretion, ask questions of the complainant and respondent. Either party may submit documentary evidence, such as member passes, team rosters, referee game reports, letters, birth certificates and other sources of written or printed information. All proof of age documents must conform to the policies and rules of the MYSA. All such documents shall be submitted to the hearing panel at the start of the hearing. All documentary evidence will be retained by MYSA as part of the hearing record.

The hearing will be recorded. In the event of an appeal, the complainant or respondent may request a copy of the recording for the purpose of preparing their appeal, a copy of which will be made and provided by MYSA at the expense of the requesting person(s).

The summary report of the reviewer, decision, and all documentary evidence and the recording of the hearing, if any, are considered private and neither the original nor copies are intended for release except as authorized pursuant to this section for an appeal. Release of the hearing materials except as permitted for an appeal may be considered as separate grounds for sanctions. This must be requested in a formal written request to the Executive Director.

4.6 Conduct of the Hearing: hearing procedure

- a. The Chairperson will:
 1. call the hearing to order;
 2. introduce himself or herself and have the other members of the panel and all hearing participants introduce themselves;
 3. provide all persons present with a copy of the hearing agenda, which will include the time allotted for each portion of the hearing;
 4. notify all present that decorum must be maintained at all times during the hearing;
 5. the investigator will be asked by the Chairperson to give a summary of the incident, giving the date, time, location and parties involved, the identity of relevant entities and persons, such as teams, players, coaches, and others; and
 6. identify the participants to be heard. If the complainant or respondent is not an individual person, they must identify a primary spokesperson or representative at the beginning of the hearing.
- b. Complainant shall proceed first, and shall follow this order of presentation:
 1. an overview of the case (no more than ten (10) minutes);
 2. questions by the hearing panel.
- c. Respondent shall proceed second, and shall follow this order of presentation:
 1. an overview of the case (no more than ten (10) minutes);
 2. questions by the hearing panel.
- d. Following completion of presentations and questioning by the hearing panel, respondent and the complainant, in that order, may give a closing statement of not more than ten (10) minutes each. There shall be no rebuttal. The hearing panel may ask questions of the parties either during or after their closing statements.

The time allotted for any segment of the hearing may be extended at the discretion of the Hearing Panel if it believes a longer presentation is essential to the resolution of the appeal. If the time is extended, each party will be afforded equal additional time. Parties may speak only when testifying before or called upon by the Hearing Panel. There will be no debate between the parties.

At the conclusion of closing statements and questions, the hearing is completed. No additional evidence may be presented or considered once the hearing is completed. The chairperson may, however, allow the submission of written evidence requested by the hearing panel during the hearing.

At the conclusion of the hearing, all parties must leave the hearing room. The hearing panel may begin its deliberations at that time or may adjourn to a later date. Only the hearing panel members may be present during deliberations and voting. Deliberations must be concluded within five (5) business days from the final presentation of evidence.

4.7 Determination of the Panel

The hearing panel may only consider the specific issues charged in the complaint or written report. This means, for example, that an individual charged with referee assault cannot, as a result of the hearing on that charge, be found guilty of harassment. This does not preclude a separate complaint on any charge that could have been but was not included in the initial complaint.

The chairperson shall, within ten (10) business days of the date of the written decision, provide to the MYSA Executive Director the full and complete hearing file, including the final written determination of the hearing panel. Verbal communication of panel decisions is expressly prohibited and is of no legal or procedural effect.

The written notice will include a statement of the charges, findings of fact, the decision of the panel, and a statement of the procedure for appeal. If the written notice is not sent within ten (10) business days of the conclusion of deliberations, either party may submit an appeal to MYSA Executive Director.

The Executive Director shall then inform the parties within ten (10) business days of the conclusion of the hearing. This written notice shall set forth the decision of the hearing panel. Verbal communication of panel decisions is expressly prohibited and is of no legal or procedural effect.

5.0 Fines

5.1 Assessment and Notice of Fines

Fines for violations of MYSA policies, rules or bylaws, or any other rule or law affecting MYSA and its members, volunteers of participants may be imposed in the discretion of the hearing panel or MYSA Board of Directors. MYSA Executive Director will send notice of the imposition of the fine to the individual (with a copy to the Member Club, if any) or the Member Club. The failure to accept or receive the notice does not affect or delay the imposition of the fine.

5.2 Procedure to Appeal a Fine

Any person or Member Club against whom a fine has been assessed may appeal the imposition of such fine. A Member Club that would be ultimately responsible for the payment of the fine may also appeal the imposition of the fine. If both the individual MYSA member and the Member Club appeal the imposition of the fine, shall be consolidated and treated as one hearing. The appeal must be submitted in writing to the Executive Director. An email is not a sufficient submittal. The appeal must be received in the MYSA office within ten (10) business days of the imposition of the fine. The appeal must set forth in detail the precise reasons why the appellant believes the fine was improperly assessed or should not be imposed.

5.3 Decision on Appeal

The Executive Director shall review the appeal and determine whether the fine assessed should be confirmed, modified or withdrawn. The person receiving the appeal shall inform the appellant in writing of the final determination regarding the appeal. The decision of the Executive Director may be appealed to the USSF.

6.0 Appeal to United States Soccer Federation

Any party dissatisfied with a decision of the MYSA hearing panel may appeal such decision to the United States Soccer Federation in accordance with the United States Soccer Federation Bylaws and Policies.