



# ***Discipline and Appeals Manual***



*A League's Guide*

Dear Michigan State Youth Soccer Association Soccer Member:

This manual has been compiled for your reference. It is intended to be utilized as a guide, and assist you in your Discipline and Appeal activities. This is a guide only and should not be perceived as a mandate. Hopefully you will find some valuable tips inside, and answers to questions you may have.

Because this is a reference manual, it is considered uncontrolled and shall not be included in updates made to controlled policies and procedures referenced within. It is the responsibility of each holder of the manual to ensure applicable reference documents are properly maintained.

Above all, it is the responsibility of each individual to **BE FAIR!** Remember, we are all neighbors and friends. Should you have any questions, comments, or suggestions, please feel free to contact the Michigan State Youth Soccer Association Soccer office.

Best regards,

MSYSA Board of Directors

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## ***Fair Hearings***

While conducting Discipline and Appeals activities, the autonomy of the member organization, along with the concerns of the State association is underscored in this excerpt:

*“...a hearing before a disinterested and impartial body of fact-finders.” (Bylaw 701. Hearing Procedures. United State Soccer Federation Bylaws)*

The operative phrase is “fair hearings”. A task seemingly simple enough, but a concept requiring continuous involvement and participation.

In this manual you will find helpful guides conducting a fair hearing. We will lay out each step along the process of the hearing and include notes for what can and cannot be done to ensure all parties receive a fair hearing.

The applicable definition of hearing as prescribed by Webster: *A listening to facts and evidence, for the sake of adjudication; a session of a court for considering proofs and determining issues.* While certainly we are not in a legal court, we would do well to enter a hearing with the same approach. A hearing should be a place where facts come out and determinations are made to bring closure to acts or behaviors.

## ***Discipline***

According to the American Heritage Dictionary discipline is defined as: *To punish in order to gain control or enforce obedience.* Using this definition in our approach of conducting fair hearings will serve to remind us that the punishment must fit the offense.

If we approach hearings as an attempt to resolve conflicts we will be better fit to be fair to all parties involved. This includes the punishment phase as well as the hearing itself. The State committee exists to assist where needed and serve as a higher authority in the Discipline and Appeals process when needed. Neither discipline nor appeals should be taken lightly. Judicious use of the system as well as prudent exercise of authority will guarantee what is important comes first:

## **The Game of Soccer**

## ***Member Organization Responsibilities***

All member organizations are charged with the responsibility of ensuring MSYSA Bylaws, Rules, Regulations and Policies, league bylaws and policies are adhered to during the discipline and appeals process.

All member organizations are directed to form their own Discipline and Appeals Committees and to hold hearings **with the parties having the right to be present** on every player/coach/assistant coach/spectators and/or parents as required. Report of all disciplinary suspensions/actions must be sent immediately to the MSYSA State Office.

Any misconduct by a coach justifying a report by a referee or any other person shall be directed to the member organization with which the coach is affiliated. The member league shall promptly call for a hearing, if necessary. All game suspensions must be reported to the State.

The member organization's Discipline and Appeals Committees are directed to extend severe punishment to those players, coaches, assistant coaches who are guilty of extreme violent conduct while participating in a match and for violence toward any person or property after being ejected, while on the touch line or approaching or leaving the game site.

If the coach, assistant coach, or manager is unable to control his or her spectators, the member organization is directed to take appropriate actions toward the identifiable, unruly spectator, or if unidentifiable; towards the team itself. The misconduct report shall be sent to the MSYSA State Office for review and further action if it feels it is warranted.

Any report of assault or abuse by any person towards a game official must be submitted immediately to MSYSA for review and handling.

Any report alleging misconduct by a referee must be submitted to MSYSA for review and handling.

When any member organization or a member thereof, fails to send in reports as required by MSYSA, the MSYSA will take any action it considers proper, including a fine not to exceed five hundred dollars (\$500). Repeated violation by the member organization can result in said Association being declared not in good standing.

## ***Receipt of Misconduct Report***

Referees and game officials are instructed to turn in written misconduct reports within 48 hours of game time. Under certain circumstances this may not be possible, but the member organization should always require this of their referees, assistant referees, and game day officials. In the event the referee's report comes in after the allotted time period, it should not be considered invalid, but rather given its full weight. Instances where the referee has failed to turn in a misconduct report in a timely manner may necessitate a reminder by the assignor, league official, or member organization. Continued failure to report misconducts may be forwarded to the MSYSA State Youth Referee Administrator (SYRA) for appropriate action.

The referee's misconduct report is required to implement league rules with regards to suspensions. A written record is required to enable the member organization D&A Committee to issue additional punishment beyond that required by the rules. Member organization D&A Committees may issue more severe disciplinary action than required by MSYSA rules, but may not reduce disciplinary action below what is required by the rules.

No disciplinary action beyond what is required by the rules may be issued without the individual being given the opportunity to appear before the D&A Committee. A suspension must never be handed down before a hearing to an individual without the person having the right to a hearing with the exception where there is concern for the safety of the participants at stake, or the issue is in regards to referee assault.

Any report of assault or abuse by any person towards a game official must be submitted immediately to MSYSA for review and handling. These are heard strictly by the MSYSA D&A Committee.

Any written report alleging misconduct by a referee must be submitted to MSYSA for review and handling. All matters involving apparent misconduct by a referee or game official will be the responsibility of the MSYSA D&A Committee.

No further disciplinary action beyond what is required by the rules shall be taken without a written report.

## ***Receipt of Complaint***

From time to time members of the local member organization have complaints they believe merit a hearing. Parents, park and city officials, coaches, and others may provide reasons to set up a hearing. All complaints must be put in writing and contain the name of the complainant. Should the party alleging the complaint not wish to put it in writing, no further action of the member organization D&A Committee is required. The member organization D&A Chairman may be the sole party to determine the validity of a requested hearing. Some examples of reports possibly justifying a hearing would be:

Practice methods employed by a coach alleging possible misconduct

Behavior of a coach, parent, or spectator during a game

Questionable draft procedures or illegal recruiting

Naturally there are many other valid reasons to conduct a hearing. There are also reports given to the member organization D&A Chairman which should not be valid reasons to conducting a hearing. Some examples are:

Ability or judgment of referee

Personality conflict between coaches

Reports without a specific or tangible occurrence of misconduct

Oral or anonymous reports

Once the member organization D&A Chairman has received the letter of complaint, he or she should determine the validity of the request and may require contacting the complainant for clarification. Remember, the main goal in setting up a hearing is to present a fair and impartial forum where you may bring closure to an event or complaint. In an attempt to stay as unbiased as possible, only the member organization D&A Chairman should have advanced notification of the subject matter to be heard. The correlation between a D&A hearing as a courtroom setting would be the D&A Chairman would preside as the hearing authority much like a judge. The Committee would be representative of the jury, the complainant would be the accuser, and the defendant would be the party for whom the hearing was requested. For this purpose, the D&A Chairman should validate the reason for the hearing without doing investigative work. It is not the responsibility of the D&A Chairman to prove or disprove the allegation, only to decide whether the complaint has enough merit to be heard.

In cases where the D&A Chairman believes there is not enough material to convene a hearing or the complainant believes it could be settled in a friendly manner, he or she may do so after consulting with the member organization D&A Committee.

It is a requirement for the D&A Chairman to have enough knowledge of the situation at hand in order to select a fair and unbiased panel. The panel convened will be covered later in this manual, but the intent is for the D&A Chairman to proceed based on limited knowledge he or she is afforded at the time.

## ***Rights of the Parties***

This chapter defines due process and is the largest single reason for appeals both in MSYSA and the USSF. Of all chapters in this book, this is probably the most important! Everyone involved in the discipline process should familiarize themselves with this section and ensure hearings are run accordingly. The eleven rights of the parties are listed and are guaranteed by the U.S. Soccer By-Law 701:

Member organizations will provide equitable and prompt hearing and appeal procedures to guarantee the rights of individuals to participate and compete and ensure due process to the accused. (USSF Bylaw 701. Hearing Procedures). In all hearings conducted, the parties shall be accorded the following:

1. Notice of all specific charges or alleged violations in writing and possible consequences if the charges are to be found true;
2. Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
3. The right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
4. A hearing before a disinterested and impartial body of fact finders;
5. The right to be assisted in the preparation of one's case at the hearing;
6. The right to call witnesses and present oral and written evidence and argument;
7. The right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing if requested;
8. The right to have a record made of the hearing if requested in advance, with all costs to be paid by the requestor;
9. A written decision, with the reasons for the decision, based solely on the evidence of record issued in a timely fashion and including appeal rights and procedures;
10. Notice of any substantive and material action of the hearing panel in the course of the proceedings;
11. Equality concerning communications, and no ex parte communication is permitted between a party and any person involved in making a decision or procedural determination except to provide explanations involving procedures to be followed.

## **Notification of Hearing**

Following a request for hearing, the next step in the process is for the member organization D&A Chairman to verify whether there is sufficient reason to merit a hearing. Assuming the request has been validated, the Chairman would then set up a hearing. He or she needs to define a date, time, and place for the hearing to be held and notify the parties involved. Notification of the hearing may be done by telephone (with a written follow-up), by mail, by Mailgram, or by telegram. Whatever method is used, follow-up notification should always be in writing with proof of delivery. This provides you with proof that notification was provided, and when it was received. Notification should be provided to all involved parties at the same time. Unless competition dictates otherwise, a minimum of ten (10) business days should be allowed for the accused to adequately prepare his defense. In the event it becomes necessary to hold a hearing on very short notice, a follow-up notification should be sent via certified mail noting the time and place of the hearing.

The notification should contain:

A statement of the reason for the hearing with all specific charges or alleged violations in writing and possible consequences if the charges are to be found true

A copy of the primary complaint against the accused

The time, date, and place of the hearing

An outline of the procedures to be followed such as who will be allowed to testify and any time limits to be imposed

A date by which any written testimony is to be received

The notification for these hearings is **extremely important** so as to provide appropriate due process. The Member organization D&A Chairman will need to review the complaint in its entirety, and the letter written citing all possible charges which may be included, and what the range of punishment could be if those charges are found to be true. **Keep in mind due process is not a luxury, it is a requirement.**

Hearings should not be held at the same time as board meetings. The two types of meetings are not complementary, and might involve unnecessary participation of the higher authority should either party wish to appeal the decision made at the hearing. The next level of appeal is typically the Member organization Board of Directors but must be consistent with the Bylaws of the Member organization. The next level of appeal should remain uninvolved to ensure impartiality.

## ***Selecting A Committee***

It is the responsibility of the member organization to maintain and provide to MSYSA the name of the D&A Chairman and also to provide a list of the Committee Members with their addresses and phone numbers.

There are some common sense rules to remember when selecting your panel from your Association's D&A Committee Members. The overall purpose is to provide a fair and impartial hearing. No one can be impartial when his or her child or team is involved. No one can reach a fair decision when he or she is affected by the outcome. Friendships should be set aside, and every effort must be made to be as unbiased as possible.

It is highly recommended to have Committee Members who have varying degrees of experience and cover different ages, teams, or clubs inside your organization. This provides the Chairman the opportunity to select panel members who are as far removed from the case as possible. In no case, however, should minors be a part of a D&A Committee.

The hearing Committee **MUST** be impartial. It is required to have at least five people in the Committee (inclusive of the Chairman). NO member should be involved in the circumstances being heard; nor in any way, closely associated with any of the involved parties. If necessary, alternate members should be available should such an involvement or affiliation exist. It is suggested you have an odd number of voting panel members, so as to reduce the possibilities of having a tie during the deliberations.

## ***Hearing Preparation***

Once notification has been sent out to all parties detailing the specific charges to be addressed at the hearing, the D&A Chairman must prepare for the hearing itself. Copies should be made of all information relative to the charges or testimony and presented to each participant and panel member so they may look at their own copy. Included in the packet of information should be an outline of the procedures to be followed during the hearing. Details should be included as to the Participants, date, time, and place along with Committee Members names. (A sample form is included)

The room for the hearing should afford reasonable comfort. There should be adequate seating for all participants, equipped with the basic amenities for the benefit of those in attendance. The room should be laid out so each participant is equidistant from the hearing Committee. The layout of the room should be one conveying fairness and impartiality.

The time chosen for a hearing should be one which provides the minimum inconvenience for the parties concerned. In the event either party is unable to attend the hearing with sufficient reason, the D&A Chairman should re-schedule if possible. The hearing should not be un-duly delayed by constant re-schedules. If the participant is continually unable to attend, he or she should submit their testimony in writing prior to the hearing so the hearing may go forward.

The Member organization Bylaws and the MSYSA Bylaws, Rules, Regulations and Policies should be on hand for reference should any Committee Member deem reference to be in order.

## ***Hearing Procedures***

The following are the procedures to be followed during the hearing:

1. The D&A Chairman shall call the meeting to order
2. Introductions should be made detailing what everyone's role will be
3. Chairman will call for the name and position relative for all participants
4. Chairman will note that proper decorum will be maintained throughout the proceedings
5. The charges will be stated and procedures for the hearing itemized inclusive of time restrictions
6. The party alleging the complaint will be allowed time for testimony from him/her self and witnesses
7. Opposing party (or alleged violator) will be allowed equal time and opportunity
8. Committee members will be allowed time for questions and cross-examination
9. Both parties allowed equal time for closing statements and arguments
10. Chairman will detail the time and place for the Committee to reach its final decision
11. Chairman notifies all participants of the manner in which they will be notified of the decision
12. Chairman adjourns the hearing

## ***Guidelines and Recommendations***

During the hearing, proper notes should be taken by the Chairman or designate for reference should the Committee request during deliberation. It is also advisable for the Chairman to have these notes as a reference should either party appeal the decision of this Committee. These notes need not be all encompassing, and are most often personal notes of the hearing but may be a record of validating or implicating statements made during the course of the hearing. MSYSA recommends using a digital recorder or tape recorder to serve as a transcript if one is needed at a later time.

Testimony of witnesses of both parties should be allowed, but caution used as to how many may speak. The time given should be sufficient to hear testimony from these witnesses, but equal time and opportunity must be given to the opposing party. Keep in mind you do not wish to have repetitive statements, but if the accused feels as though the testimony is vital he or she may wish for it to be incorporated. Another way to approach this would be to request all testimony in writing prior to the hearing if there may be multiple witnesses. A benefit to stipulating a time constraint in advance will help you to limit repetitive testimony.

The accused party should be present at all times during testimony. The rights of the accused stipulate they have the right to face their accusers and confront their testimony. It should be apparent at all times throughout the procedure that everything is totally beyond reproach. It may be a good idea to ask both parties if they have questions of the other. Proper decorum needs to be maintained throughout the hearing, and if this is strictly adhered to, in most cases the parties will be able to ask questions without risking disruption.

Hearsay and verbal testimony other than what has occurred during the hearing should not be included in the Committee's decision.

Make sure the hearing progresses along the lines of it's intent. Keep in mind what the specific charges are for which the accused is present, and of what he or she has been notified. If additional items surface during the hearing which could be cause for other charges levied against the accused your options are:

1. Disregard the new items and stay the course for which they are present
2. Continue with the hearing, and schedule another hearing for the new charges (decisions made should only involve the charges for which they are present)
3. Suspend the hearing and re-send notification of a new hearing time and date with the additional charges
4. Allowing the accused the option of continuing with the new charges for which he or she may not be adequately prepared (not suggested without documenting their agreement).

The D&A Chairman must advise both parties of the next step of their appeal rights.

## ***Determining the Result***

Following the hearing and in accordance with the time, date, and place for the decision to be made as stipulated by the D&A Chairman, begin the deliberations. The Committee should be advised to consider the evidence brought before them and not to allow outside factors to impact their decision.

Not all hearings will result in the accused being found to have committed the offense, but whenever found so, a good rule of thumb to keep in mind is **“The punishment must fit the Offense”**.

Far too often Committee Members fail to carry out responsibilities for various reasons. These reasons may range from the inability to issue harsh punishment to being overzealous in doing the same. From the “bleeding heart” to the “hanging judge”. Obviously, a comfortable middle ground for the conscientious Committee Member is desirable.

After hearing all the facts related to the offense and before entering the discipline phase of the hearing, each Committee Member should mentally “check off” the following questions before assessing punishment:

1. How serious is the offense for which punishment is prescribed?
2. Is the punishment assessed in the best interest of all involved? (Home association, MSYSA, and soccer in general)
3. How will other people be affected by the discipline?
4. How deeply, if at all, are personal feelings involved in the decision?
5. Does the punishment fit the offense?
6. Is it intended to “suspend from all soccer activities” or only certain soccer activities (such as coaching) or “place on probation”?

Basically, the key to remember is fairness to all involved. Remember, the intent is to “correct or train”. As stated earlier, the major concern here is the resolution of conflicts. Those involved in conflict resolution must realize the importance of what the job entails. It is not an activity to be taken lightly. Many individuals are affected by the decisions made.

The determination should be made and specifically stipulated as to the intent of the findings. If the violator is to be suspended, he or she needs to know from what (which activities). In other words, are they to be placed on suspension from coaching, or from all soccer related activities? The time period involved also needs to be stipulated. For those placed on probation, the violator needs to know what the terms of that probation are. What constitutes non-compliance with the probation?

Specific rules should be referenced in the decision whether from the member organization bylaws or the MSYSA Bylaws, Rules, Regulations and Policies.

## ***Notification of Findings***

Written notification of all Committee decisions **must** be provided to all parties involved. This written notification should include:

1. Decision of Committee
2. Rules applied to reach the decision
3. Consequences for not adhering to the decision
4. Appeal rights including fee, time frame for filing, and method of appeal
5. Copy sent to MSYSA State Office

It is highly suggested written notification be sent to the involved parties via certified mail with return receipt requested so you may know when the recipient was officially notified of the hearing results.

All appeals to the MSYSA D&A Committee must be submitted in writing and received within ten (10) days of receipt of the appealed decision. The appropriate fee in the form of cashier's check, certified check, or money order shall accompany all appeals. Personal checks and cash are not accepted.

The MSYSA D&A Committee, at its discretion, may, when requested in writing to do so or deems appropriate, waive the time limit for filing appeals.

Once the written appeal is received the MSYSA D&A Committee Chairman will then notify the involved Member organization and all members of the Committee. In cases of controversy as to timely receipt of appeals, the postmark date will govern.

Upon receipt of an appeal, properly submitted, the Chairman of the MSYSA D&A Committee shall set a time and place for a hearing and will advise all appropriate parties. Such hearing settings are solely the responsibility of the Committee, but all such hearings must be scheduled within ten (10) days of receipt of the appeal and the appealing party is bound to present all information and evidence relative to the appealing parties case at the hearing.

## ***The Right to Appeal***

Appeals are a very important part of the D&A process. On average, they will comprise one-fourth to one-third of the activities of a D&A Committee. Appeals fall into two categories: appeals of a decision of a league officer, typically an age coordinator; or to decisions of a committee, typically the D&A Committee. Protests are related to the actual competition on the field and involve misapplication of the rules or laws. Although they involve vastly different types of matters, the method of handling them is very similar.

The same steps apply here as were comprised in the request for hearing:

1. The request must be made in writing
2. Determination of the merit or validity of request
3. Chairman sets the time, date, and place for the appeal hearing
4. The Appeal hearing follows the same guidelines and procedures as the initial hearing

The difference between the initial request for a hearing and a request for an appeal hearing is typically the grounds for the appeal. Typical grounds are:

1. Failure to comply with appropriate By Laws, rule, or regulations
2. By-law, rule, or regulation fails to conform with the rules of USYSA, USSF, or FIFA or the rule has been applied arbitrarily under the facts of the appeal
3. Disagreement as to the facts as determined by the entity whose decision is being appealed
4. Failure of the entity whose decision is being appealed to provide the party with due process

Some of the most common reasons appeal hearings are granted and could otherwise be avoided, are involving lack of due process. The two most common of those are not having a hearing before a fair and impartial committee; and lack of proper notification of their appeal rights. By following this guide, hopefully we can avoid unnecessary appeals.

Sometimes the request for appeal is really only a grievance and is more appropriately handled through correspondence.

*(Sample Hearing Notification Letter)*

January 13, 2006

**Mr. Iwanna Bea, Coach**  
**XXX team, club, association**  
**Address**  
**City, ST, Zip**

**SENT VIA STANDARD & CERTIFIED MAIL**  
**CERTIFIED: 1111 2222 3333 4444 5555**

Dear Mr. Bea:

You are hereby directed to attend a disciplinary hearing pertaining to a possible violation of Rule 3.7 in the MSYSA Rules, Regulations and Policies. Copies of all correspondence received to date are enclosed for your review.

Your hearing with the MSYSA Discipline and Appeals Committee is scheduled for: **MONDAY, February 13, 2006 at 6:30 PM at the MSYSA State Office located at 9401 General Drive, Suite 120, Plymouth, MI 48170.**

Please be advised that your presence at this meeting is mandatory. You may bring any witnesses or statements to defend yourself. If you should fail to attend the hearing the MSYSA Discipline and Appeals Committee are authorized to determine a disposition of this case on the evidence presented.

Should you require any further information prior to the hearing, you may contact the MSYSA Discipline and Appeals Committee Chairman, XXX Name, at (734) 459-6220.

Regards,

XXX Name  
Chairman  
MSYSA D&A Committee

Enclosures

Cc: MSYSA Legal Counsel  
MSYSA Board of Directors

*(Sample Decision Letter)*

February 14, 2006

**Mr. Iwanna Bea, Coach**  
**XXX team, club, association**  
**Address**  
**City, ST, Zip**

**SENT VIA STANDARD & CERTIFIED MAIL**  
**CERTIFIED: 1111 2222 3333 4444 5555**

Dear Mr. Bea:

A disciplinary hearing was held on Monday, February 13, 2006 at 6:30 PM at the MSYSA State Office located at 9401 General Drive, Suite 120, Plymouth, MI 48170. This letter is formal notification to you of the decision reached by the MSYSA Discipline and Appeals Committee regarding the possible violation of Rule 3.7 in the MSYSA Rules, Regulations and Policies.

Based on the materials made available at the hearing relating to this case, and additional evidence and testimony presented before the MSYSA D&A Committee during your hearing on February 13, 2006, we have determined that you are guilty of Poaching according to Rule 3.7: Poaching, part A.

Mr. Bea is placed on probation until August 1, 2006 for any services conducted as a coach, assistant coach, manager, or trainer, within the MSYSA, including MSYSA sanctioned tournaments, MSYSA administered State tournaments, and league game play within any/all MSYSA affiliated leagues. If, during the probational period, another incident occurs, MSYSA has the right to impose discipline as MSYSA sees fit, including a suspension of your services as a coach, assistant coach, manager, or trainer.

Majority decision, Chairman not voting

You have the right to appeal the MSYSA Discipline and Appeals Committee decision to the USSF Appeals Committee per USSF Bylaw 705, Section 2. within ten (10) days of official receipt of the decision. Such an appeal shall be accompanied by the appeal fee in the form of a money order or cashier's check in the amount determined by the Board of Directors. The appeal fee shall be retained by the Federation. Such an appeal must follow the procedure stipulated by USSF Policy 705-2.

Regards,

XXX Name  
Chairman  
MSYSA D&A Committee

Cc: MSYSA Legal Counsel  
MSYSA Board of Directors

**Section 5. Discipline and Appeals Committee**

- A. **Composition.** The committee shall be composed of at least three (3) members who shall not be members of the board of directors.
- B. **Chairman.** Chairman shall be appointed by the president and confirmed by the board of directors at its' first meeting following the annual meeting in the even-numbered years to serve as chairman of the committee for a two (2) year term.
- C. **Election to Committee.** The committee chairman shall appoint enough additional members to the committee to provide a panel of three, disinterested and impartial, body of fact-finders for each hearing or appeal. The members of the committee shall be confirmed by the president or board of directors. Committee members shall serve at the discretion of the chairman of the committee.
- D. **Accountability.** The committee shall report to the president and executive director.
- E. **Hearing Procedures.** All hearings conducted under these Bylaws, shall comply with USSF Bylaw 701 and USSF Policy 701-1, and also refer to MSYSA Rules, Regulations and Policies.
- F. **Litigation.**
  - 1. No member organization, player, coach, trainer, manager, club, team, administrator or referee may invoke the aid of the courts in the United States or the State of Michigan without first exhausting all available remedies within the appropriate soccer organization and as provided within Michigan State Youth Soccer Association, US Youth Soccer and United States Soccer Federation.
  - 2. For violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to MSYSA for all expenses incurred by MSYSA and its officers in defending each court action, including but not limited to the following:
    - a. Court cost;
    - b. Attorney's fees;
    - c. Reasonable compensation for time spent by MSYSA officials and employees in responding to and defending against allegations in the actions, including responses to discovery and court appearances;
    - d. Travel expenses;
    - e. Expenses for holding special meeting necessitated by the court action

## **MSYSA Rules, Regulations and Policies**

### **Rule 5.3: Disciplinary Rulings, and Minimum Punishments (All Sections listed below are minimums)**

- A. **Minimum Penalties.** A member organization may adopt more stringent penalties, which will prevail, but in no event may penalties be less than those listed.
- B. **Player Fighting.** A player guilty of fighting before, during or after games shall receive a two-game (2) suspension.
- C. **Player Profanity.** A player guilty of using profanity, either by word or sign, against another player, coach, spectator, or any member organization official shall receive a minimum two-game (2) suspension.
- D. **Player Threats.** A player guilty of making threatening gestures against another player, coach, spectator, or any member organization official shall receive a minimum two-game (2) suspension. Verbal threats are remarks that carry the implied or direct threat of physical harm. Such remarks as “I’ll get you after the game” or “You won’t get out of here in one piece” shall be deemed referee abuse. (See **Appendix USSF Policy 531-9**).
- E. **Player Striking Official.** A player guilty of pushing or striking any coach, or any member organization official shall receive a minimum one-year (1) suspension.
- F. **Misconduct toward a Referee.** Any player, coach, manager, or official committing some misconduct as defined by USSF Policy 531-9 shall be dealt with in accordance with that policy. Reporting procedures are included in the policy.
1. Referee abuse is a verbal statement or physical act not resulting on bodily contact which implies or threatens physical harm to a referee or the referee’s property or equipment.
  2. Abuse includes, but is not limited to the following acts committed upon a referee: Using foul or abusive language toward a referee; spewing any beverage on a referee’s property; spitting at (but not on) the referee; or verbally threatening a referee.
  3. Referee assault involves physical contact with the referee, or the referee’s uniform or personal property.
- G. **Coach Threats.** Coaches or team officials who make threatening gestures or use threatening language to other players, coaches, or any member organization officials shall be disciplined according to the following schedule:
- First Time: Minimum two-game (2) suspension.  
Second Time: The offender shall appear before the MSYSA board of directors and be suspended for a minimum of four (4) games.  
Third Time: The offender will be suspended for not less than one (1) year.
- H. **Misconduct of Spectators.** Any other individual who may be reasonably construed to be associated with a team, such as relatives and supporters, shall also be subject to the jurisdiction of this Association.
1. Assault or abuse of a referee by a spectator. If an individual who supports a team abuses or assaults a referee, such action shall be deemed loss of control by the coach and other team officials. Upon receipt of a report of an assault or abuse of a referee by a spectator, the chairperson of the discipline and appeals committee, or their designate, will form an ad hoc committee composed of the chairperson (or their designate) and two (2) individuals on the MSYSA board of directors who are not members of the member organization(s) involved in the case. The chairperson will perform a preliminary investigation and disclose the results of the investigation to the ad hoc committee. The ad hoc committee will determine if there is enough evidence to sustain a charge of assault or abuse. If not, no action will be taken. If there is enough evidence, a letter will be forwarded to the team informing them of the requirement to post a cash bond up to \$1,000 with the MSYSA. After receiving written notification of the requirement for a bond, the team shall have forty-eight (48) hours to post the bond with MSYSA. Failure to remit that bond to this Association shall place that team temporarily under suspension and not in good standing. Any games missed or games played after the forty-eight (48) hour period but prior to the posting of said bond will be considered forfeit.
  2. The matter will be referred to the discipline and appeals committee for a complete investigation and hearing. Said hearing will be conducted with the same procedures established for hearings conducted for assaults of referees by players, coaches or other team officials. After hearing all the evidence the discipline and appeals committee may return the bond if the charges prove untrue; may continue the bond for a period of time not less than one (1) year; may increase the amount of the bond to a maximum of twice the amount of the original bond; or may reduce the amount of the bond; depending on the severity of the offense.
  3. If a second such offense occurs involving any supporter of the same team within a period of two (2) years, the amount of the bond shall be doubled. The original bond, if still in effect, will be forfeited.
  4. If a third such offense occurs involving any supporter of the same team, the team shall be suspended from all competition under the auspices of the MSYSA. Provisions will be made to prevent the reforming of the same team members with a new team name.
  5. The MSYSA shall return the bond at the end of the period determined by the discipline and appeals committee.
- I. **Misconduct of Game Officials.** In case of misconduct by referees or other game officials, *USFF Policy 531-10* shall apply, including reporting procedures (See Appendix).

## **MSYSA Rules, Regulations and Policies**

### **APPENDIX**

The content of this Appendix is not meant to be rules that may be amended by the MSYSA. The information provided herein is for reference and any changes by USSF will be effective immediately upon any subsequent amendments by USSF and this Appendix will be updated as quickly as possible.

#### **USSF Policy 531-9 – Misconduct Toward Game Officials**

##### **Section 1. General**

Misconduct against referees may occur before, during and after the match, including travel to and from the match. Misconduct may occur also at later times when directly related to duties of a game official as a referee.

##### **Section 2. Rule Application**

- a. This policy shall supersede all rules of Organization Members that pertain to assaults or abuse upon USSF referees, assistant referees, that manner and means of hearings, appeals, and rehearings in matters pertaining thereto.
- b. Nothing in this policy rule shall be construed to restrict or limit any league, event/tournament or State Association from applying equal or greater restrictions to anyone not listed in section 4(a)(1) of this policy (i.e., a spectator associated with a club or team).
- c. This policy shall not apply to players, coaches, managers, club officials, or league officials while participating in Professional League Member activities.

##### **Section 3. Terms and References**

As used in this policy –

1. “Referee” includes the following:
  - a. All currently registered USSF referees, assistant referees, 4<sup>th</sup> officials or others duly appointed to assist in officiating in a match.
  - b. Any non-licensed, non-registered person serving in an emergency capacity as a referee (under Rule 3040).
  - c. Any club assistant referee.
2. “Hearing” means a meeting of at least three neutral members, one of which is designated or elected to serve as Chairperson. The hearing shall be conducted pursuant to guidelines established by the State Association.
3. (a)(i) Referee assault is an intentional act of physical violence at or upon a referee
  - (ii) For purposes of this policy, “intentional act” shall mean an act intended to bring about a result which will invade the interests of another in a way that is socially unacceptable. Unintended consequences of the act are irrelevant.
  - (b) Assault includes, but is not limited to the following acts committed upon a referee: hitting, kicking, punching, choking, spitting on, grabbing or bodily running into a referee; head butting; the act of kicking or throwing any object at a referee that could inflict injury; damaging the referee’s uniform or personal property, i.e. car, equipment, etc.
4. (a) Referee abuse is a verbal statement or physical act not resulting in bodily contact which implies or threatens physical harm to a referee or the referee’s property or equipment.
  - (b) Abuse includes, but is not limited to the following acts committed upon a referee: using foul or abusive language toward a referee; spewing any beverage on a referee’s personal property; spitting at (but not on) the referee; or verbally threatening a referee.
  - (c) Verbal threats are remarks that carry the implied or direct threat of physical harm. Such remarks as “I’ll get you after the game” or “You won’t get out of here in one piece” shall be deemed referee abuse.

##### **Section 4. Jurisdiction and Hearings**

###### **A. General**

1. When any amateur or professional player, coach, manager, club official or game official assaults or abuses a referee, the original jurisdiction to adjudicate the matter shall vest immediately in the responsible State Association which is affiliated with the United States Soccer USSF.
2. When an allegation of assault is verified by the State Association the person is automatically suspended until the hearing on the assault.
3. The State Association must hold a hearing within thirty (30) days of the verification by the Association of the abuse or assault or, if applicable, the thirty-day period provided by subsection (b)(3) of this section. If the Association does not adjudicate the matter within that period of time, original jurisdiction shall immediately vest in the USSF’s Appeals Committee to adjudicate the matter, to which the same provisions as to the term of suspension shall apply.
4. Failure to hold the initial hearing shall not rescind the automatic suspension.
5. In cases of report of referee abuse, a hearing is held only when requested by the alleged assailant or otherwise deemed appropriate by the convening authority.

B. Events and Tournaments

2. In the event an assault or abuse of a referee occurs in an event outside the alleged offender's home state, the referee shall (A) immediately notify the Event/Tournament Chairperson, and (B) forward a copy of the game report and his/her comments on the incident to the Event/Tournament Chairperson.
3. The Event/Tournament Chairperson shall have the right to immediately convene a hearing at the site of the Event/Tournament, at which the alleged offender, the coach of the alleged offender when the offender is a player and the game official should be present. Information presented at this hearing shall promptly be relayed to the alleged offender's State Association President by the Event/Tournament Chairperson, both orally and in writing; however, failure to provide written information shall not restrict the offender's home State Association from taking action with regard to any referee abuse or assault.
4. Final jurisdiction shall vest with the alleged offender's home State Association. A hearing shall be held by that State Association within thirty (30) days of the receipt of the initial report of the abuse or assault on a referee.

**Section 5. Penalties and Suspensions**

A. Assault

1. The player, coach, manager, or official committing the referee assault is automatically suspended as follows:
  - 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. Except as provided in clause (c) or (d), for any other assault, at least 6 months from the time of the assault;
  - c. For an assault committed by an adult and the referee is 17 years of age or younger, at least 3 years; or
  - d. For an assault when serious injuries are inflicted, at least 5 years.
2. A State Association adjudicating the matter may not provide shorter period of suspension, but if circumstances warrant, may provide a longer period of suspension.

B. Abuse

The minimum suspension period for a referee abuse shall be at least three (3) scheduled matches within the rules of that competition. The State Association adjudicating the matter may provide a longer period of suspension when circumstances warrant (e.g., habitual offenders).

**Section 6. Appeals**

A. Assault

1. A player, coach, manager, or official who is found to have committed the assault may appeal to the Appeals Committee by following the procedures of USSF Bylaw 705 within ten (10) days from the receipt of the decision of the State Association.

B. Abuse

2. A player, coach, manager, or official who is found to have committed the abuse may appeal to the Appeals committee by following the procedures of USSF Bylaw 705 within ten (10) days from receipt of the decision of the State Association.

**Section 7. Procedure for Reporting Assault and Abuse**

- A. Procedures for reporting of referee assault and/or abuse shall be developed and disseminated by the National Referee Committee to all USSF registered referees for use in their National State Association.
- B. Referees shall transmit when a written report of the alleged assault or abuse, or both, within 48 hours of the incident (unless there is a valid reason for later reporting) to the designee of the State Association and the State Referee Administrator. For tournaments or special events, the referee shall transmit a written report to the tournament director on the day of the incident and to his home state SRA within 10 days of the incident.

**USSF Policy 531-10 – Misconduct of Game Officials**

**Section 1. Terms and References**

- A. "Game Officials" includes the following:
  1. All currently registered USSF referees, assistant referees, 4<sup>th</sup> officials or others appointed to assist in officiating in a match.
  2. Any non-licensed, non-registered person serving in an emergency capacity as a referee (under Rule 3040).
  3. Any club assistant referee.
  4. Any referee development program person performing any official function at a match
- B. "Referee Development Program Person" includes any referee, referee administrator, referee assessor, referee instructor, referee assignor, or other person serving in such capacity in a line or supervisory position, including members of any referee committee appointed by the USSF, its Divisions, Affiliates or Associates, a State Association, or a competition, tournament or other appropriate authority.
- C. "Hearing" means a meeting of at least five members, one of which is designated or elected to serve as a Chairperson. The Chairperson of a hearing shall not vote except to break a tie vote. Such members, including the Chairperson, shall not be the State Referee Administrator, the State Director of Referee Instruction, the State Director of Referee Assessment, a USSF National or FIFA Referee, or any other member of the State Referee Administration.
- D. "State Association" shall be that State Association through which the game official is registered or referee development is appointed. Where a state has both Amateur or Youth National State Associations, the reference shall mean that State Association which has legal authority within its state to administer the registration of the referee or the appointment of the referee development program person charged.

## **Section 2. Procedures**

### **A. Misconduct at a Match**

1. When any game official is accused of having committed misconduct toward another game official, participant, or spectator at a match, or of having a conflict of interest, the original jurisdiction to adjudicate the matter shall vest immediately in the State Association or Organization Member through which the accused game official is registered. In the situation where Amateur and Youth State Associations exist in a state, and the incident of alleged misconduct occurred at a match sanctioned by one State Association, jurisdiction shall vest within the State Association sanctioning the match in question.

### **B. Misconduct Away from a Match**

1. When any game official, referee, referee assistant or referee development program person is accused of unethical conduct, misuse or abuse of authority or conflict of interest in any matter in the pursuit of or may affect the individual's official dealings within and as authorized by the USSF, its Divisions, Affiliates or Associates, a State Association or Organization Member, or a competition, tournament or other appropriate authority, the matter shall vest immediately in the State Association through which the accused game official is registered or through which the referee development program person is appointed.

- C. Any allegation of misconduct or of conflict of interest by a game official as described by subsection (A) of this section, or of unethical conduct, misuse or abuse of authority or conflict of interest as described by subsection (B) of this section, shall be made in writing to the State Referee Administrator or to the State Association(s) or Organization Member that shall report all such allegations including any allegations against the State Referee Administrator, to the State Association(s) or Organization Members through which the accused game official is registered or through which the accused referee development program person is appointed.
- D. Upon receipt by the appropriate Organization Member of a verified written complaint, a hearing shall be conducted within 30 days from verification pursuant to guidelines established by the Organization Member having jurisdiction as provided by subsection (A) or (B) of this section. The hearings and appeal process within the Organization Member shall provide for adequate due process for the accused person including proper notice of charges, the right to bring witnesses in defense, and the right to confront and to cross-examine the accusers.
- E. The Chairperson of the hearing committee shall transmit the findings of the committee in writing to all parties concerned including the accused and the accusers and to the State Association(s) or Organization Member within seven days of the hearing.
- F. Any party subject to penalties shall receive, at the time of notification of the decision, a notice of the rights of appeal and a copy of the procedures and deadline dates required for such an appeal to be properly considered. Time for filing an appeal shall start with the date official receipt of the decision by the party making the appeal.

## **Section 3. Penalties**

- A. The severity of the penalty imposed upon an individual shall be determined by the decision-making body having jurisdiction.
- B. Penalties may be among the following:
  1. Letter of reprimand;
  2. A fine;
  3. Suspension from all active participation in the USSF for a fixed period of time;
  4. Any combination of clauses (1), (2), or (3) of this subsection; and
  5. Dismissal from the USSF
- C. When deemed appropriate by the decision-making body having jurisdiction, the accused individual may be temporarily suspended from active USSF participation during investigation of the complaints and conducting any indicating hearings. The temporary suspension shall not exceed ninety (90) days.
- D. Any individual while under suspension may not take part in any activity sponsored by the USSF or its members.

## **Section 4. Appeals**

- A. Any game official who is found guilty of misconduct as defined in this rule may appeal the decision of the hearing committee as follows:
  1. To a Referee Disciplinary Committee jointly appointed by the Amateur and Youth State Associations
  2. To the USSF Appeals Committee as provided under USSF Bylaw 705.
- B. The party appealing the decision of a committee shall have ten (10) days to file the notice of appeal of a decision. Time for filing an appeal shall start with the date of official receipt of the decision by the party making the appeal.

## **Bylaw 701. HEARING PROCEDURES**

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

1. notice of the specific charge or alleged violations in writing and possible consequences if the charges are found to be true;
2. reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
3. the right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
4. a hearing before a disinterested and impartial body of fact-finders;
5. the right to be assisted in the presentation of one's case at the hearing;
6. the right to call witness and present oral and written evidence and argument;
7. the right to confront witness, including the right to provide the identity of the witness in advance of the hearing;
8. the right to have a record made of the hearing if desired;
9. a written decision, with reasons for the decision, based solely on the evidence of the record, issued in a timely fashion;
10. notice of any substantive and material action of the hearing panel in the course of the proceeding; and
11. quality concerning communications and no ex parte communication is permitted between a party and any person involved in making its decision or procedural determination except to provide explanations involving procedures to be followed.

### **Policy701-1 Hearing Procedures**

This policy provides the minimum rights that each party would have at a hearing with respect to the right to assistance in presenting one's case at a hearing, as must be allowed under Federation Bylaw 701(5). These minimum rights apply to hearings conducted by State Associations and their members or other hearing body. A copy of these minimum rights should be delivered to the parties with the notice of the hearing.

- (A) 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.
- (B) If the State Association or member of the State Association ("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 grant 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 to the individual representing the Complainant.
- (C) If an attorney is present at a hearing to assist a part in presenting the party's case, it shall be clear at the commencement of any such hearing that the hearing shall proceed in accordance with the State Association's hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.
- (D) A State Association may provide, as part of its 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.
- (E) Regardless of whether the State Association allows the individual assisting the party the rights to speak, make requests or ask questions, as noted in Paragraph D above, 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, it is also recommended that the individual be seated close to the party(either behind or next to the party) so that the party may seek assistance when desired during the course of the hearing.
- (F) 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.
- (G) 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 the party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.
- (H) An individual assisting a party may prepare written material for the party and collect documents for the party. However, the party must submit or present the material and documents as material 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.
- (I) Nothing contained in this policy shall prevent a State Association from allowing greater rights to assistance than those set forth in Paragraphs A-H above. For example, a State Association may, but shall not be obligate to, allow more than one individual to assist a party at any given time.
- (J) The rights, either mandatory or permissible under this policy, shall be consistently applied, and State Association should not arbitrarily allow or disallow the rights set forth above to those individuals assisting a party in the presentation or defense of the party's case.