



# Hearings Policy Manual

# **Minnesota Youth Soccer Association Hearings Policy**

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# Minnesota Youth Soccer Association Hearings Policy

## Overview

The following rules (“Rules”) set forth the procedure for levying and appealing penalties for grievances and complaints, and for conducting hearings. The Minnesota Youth Soccer Board of Directors may amend, supplement or repeal these Rules 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 Minnesota Youth Soccer Association procedures and time frames.

No member of Minnesota Youth Soccer Association, 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 Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association for all expenses incurred by Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association Executive Director.

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## Section 1: Definitions

The following definitions are intended as a guide to this Policy. They are not intended to supersede specific definitions or meanings given in the Glossary (as defined in the Minnesota Youth Soccer Association Rules Manual (the “Manual”).

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

**Complainant:** The person making a complaint under these Rules, or in the case of an immediate suspension imposed under these Rules or the Manual, 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 these Rules, 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 Minnesota Youth Soccer Association consisting of volunteers to hear complaints or to review imposed or proposed penalties.

**Reviewer:** A person appointed by the Minnesota Youth Soccer Association 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 these Rules, 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 Minnesota Youth Soccer Association, US Youth Soccer, United States Soccer Federation or FIFA authorized or sanctioned activities.

**Sanction:** The denial of privileges afforded under membership in the Minnesota Youth Soccer association.

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## **Section 2: Violations of Minnesota Youth Soccer Association Policies or Rules; Suspensions; Complaints**

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

### **2.1 Suspensions**

In addition to the violations set forth above and in the Manual or policies of Minnesota Youth Soccer Association, any coach, manager, player or Minnesota Youth Soccer Association 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.

Even though suspension may be imposed prior to a hearing for the above offenses, the suspended party may request a hearing in accordance with these Rules.

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

### **2.2 Suspension Definitions**

The Board of Directors of Minnesota Youth Soccer Association delegates to the Minnesota Youth Soccer Association Hearing Committee its authority to carry out this Policy. In carrying out this Policy, the Committee shall conduct hearings and follow hearing procedures applicable to

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allegations of referee abuse. A decision of the Committee is the final decision of Minnesota Youth Soccer Association, but the decision may be appealed to United States Soccer Federation.

### 2.3 Complaints

A participant member may file a complaint against any Minnesota Youth Soccer Association member for a violation of Minnesota Youth Soccer Association policies and rules, the Manual 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 Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association Board of Directors, committee member or volunteer who is acting within their capacity of the organization, unless the complaint is approved by the Minnesota Youth Soccer Association President.

In the event of an immediate suspension, the Minnesota Youth Soccer Association official imposing the suspension shall file a written report with the Minnesota Youth Soccer Association, which shall trigger the opportunity for a hearing.

The written report must be filed with the Minnesota Youth Soccer Association office within ten (10) days of the notification of the suspension. All complaints must state the rule alleged to have been violated and the behavior claimed to violate the rule. Complaints that do not allege a rule violation, that are not fully submitted or that deal with on-the-field judgment calls by referee will not be investigated.

### 2.4 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 Minnesota Youth Soccer Association rules contained herein; and

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(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 Minnesota Youth Soccer Association Executive Director. The Minnesota Youth Soccer Association 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 these rules, the complaint will be dismissed. If the reviewer determines the complaint to be a grievance and not a rules 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 Minnesota Youth Soccer Association Hearing Panel for a hearing in accordance with these rules.

### **Section 3: Hearings**

#### **3.1 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.

#### **3.2 Waiving a hearing; failure to appear**

The person against isn't 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 Minnesota Youth Soccer Association. 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.

#### **3.3 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.

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### **3.4 Conduct of the hearing: general**

Hearings are not open to the public, nor to any member of the Minnesota Youth Soccer Association, except as specifically authorized by these Rules. 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.

### **3.5 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 rules of the Minnesota Youth Soccer Association. All such documents shall be submitted to the Hearing Panel at the start of the hearing. All documentary evidence will be retained by Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association 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.



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## 3.6 Conduct of the hearing: hearing procedure

The Chairperson will:

- a. call the hearing to order;
- b. introduce himself or herself and have the other members of the panel and all hearing participants introduce themselves;
- c. provide all persons present with a copy of the hearing agenda, which will include the time allotted for each portion of the hearing;
- d. notify all present that decorum must be maintained at all times during the hearing;
- e. 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
- f. 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.

Complainant shall proceed first, and shall follow this order of presentation:

- a. an overview of the case (no more than ten (10) minutes);
- b. questions by the Hearing Panel.

Respondent shall proceed second, and shall follow this order of presentation:

- a. an overview of the case (no more than ten (10) minutes);
- b. questions by the Hearing Panel.

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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.

Following completion of presentation 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.

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.

### **3.7 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 Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association Executive Director.

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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 Committee. Verbal communication of panel decisions is expressly prohibited and is of no legal or procedural effect.

## **Section 2: Fines**

### **2.1 Assessment and notice of fines**

Fines for violations of the Manual or any other rule or law affecting Minnesota Youth Soccer Association and its members, volunteers of participants may be imposed in the discretion of the Hearing Panel or Minnesota Youth Soccer Association Board of Directors. Minnesota Youth Soccer Association 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.

### **2.2 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 Minnesota Youth Soccer Association 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 Minnesota Youth Soccer Association 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.

### **2.3 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 United States Soccer Federation.

## **Section 5: Appeal to United States Soccer Federation**

Any party dissatisfied with the decision of the Minnesota Youth Soccer Association Hearing Committee may appeal such decision to the United States Soccer Federation in accordance with the United States Soccer Federation Bylaws or rules.