

## **Procedure for Filing of Charges:**

United States Soccer Federation (“USSF”) and Florida Youth Soccer Association (“FYSA”) have requirements that must be met in order to file charges against any party (other than game related red cards or ejections).

The procedure is outlined under FYSA Rules 603.1.

Unless the charged party is directly under your control all charges must be submitted to the FYSA Review and Discipline Committee (“R & D”) for determination of sufficient cause to proceed to a hearing. Under direct control means a member of your affiliated organization, club, league, etc.

Charges must be very specific as to nature and form. Each charge should include the following:

1. The specific FYSA, US Youth Soccer, or USSF bylaw or rule that has been violated. If the rule or bylaw has more than one subsection then the specific subsection must be noted. Please quote the rule by number and wording in the charging document. For example, under FYSA Code of Ethic (COE), you must be specific as to which point has been violated.
2. You must provide in detail exactly how the charged party has violated the rule(s) as outlined in #1 above. Each point must be specifically documented by the facts and/or actions of the charged party.
3. Charges must be organized so that the volunteer members of R & D can easily understand them. R & D is not responsible for searching through submitted documents to look for charges.
4. You must provide enough detail for an impartial panel to determine if there are grounds for a hearing. If, for example, it is a COE violation, you must specify exactly what the charged party did to violate the specific point.
5. The charges must be filed in a timely manner. In general, the guideline is ninety (90) days from the discovery of the violation. This is not a hard and fast limit, but (beyond this period) a good explanation must be given for the delay. You may not bring up old charges of which you had knowledge and took no action at that time. For example, if you knew a coach committed poaching in September you are not likely to successfully file charges in May without a significant explanation. If you were in the hospital for eight months, that may be judged by R & D to be a sufficient explanation for the delay in filing charges.
6. The charging party must be prepared to prosecute the charges if a hearing is warranted. FYSA will not prosecute the case for you. This is the responsibility of the charging party. FYSA will provide the hearing forum only.
7. All provisions as outlined under FYSA Rule 611.3 must be followed by the hearing.

**600. CHARGES, PROTEST, APPEALS, INTERVENTION, GRIEVANCES, and HEARING REQUIREMENTS**

**601. DEFINITIONS**

- 601.1** Due Process shall be defined as the procedures contained within this section and shall guarantee any individual, affiliate, player, coach, official or administrator of FYSA or any affiliate the right to exercise these procedures. Due process includes the right to know what charges have been made against a person and the right to a hearing before the imposition of any sanction whatsoever, including suspension, for any period of time. Exceptions to the hearing requirement are:
1. Assault on a referee for which a suspension may be imposed immediately until a hearing can be held;
  2. Arrest or charges for any felony or any other crime involving moral turpitude for which a suspension may be imposed until resolution of all criminal charges; and
  3. Red Card suspension which is no greater than the minimum required under USSF and FYSA Rules.
- 601.2** Informal Hearing is defined as a process with less notification procedures and less strict procedural rules that may be held in cases involving minor infractions in which the penalty imposed shall not exceed five (5) games. Notifications may be done by telephone or in person and conduct of the hearing shall be informal so long as the interested parties are notified and have the opportunity to present evidence before a decision is made.
- 601.3** Formal Hearing is defined as any other hearing that must be held. The procedures for holding a formal hearing are set forth in FYSA Rule 610.2.
- 601.4** Protest is defined as a formal method that challenges the results of an event. It may be filed by any individual, club, league, officer, administrator, or affiliate whose interest is affected by the ruling or decision being protested.
- 601.5** Appeal is defined as a formal method of requesting a reversal of a decision or ruling made by an authority within FYSA. It may be filed by any individual, club, league, officer, administrator, or affiliate who has been directly affected by that ruling and which person affected believes is contrary to the Constitution, By-laws or Rules of FYSA, US Youth Soccer, USSF or FIFA. Appeals must be filed by the person against whom a decision has been made.
- 601.6** Charges is defined as a formal method of filing charges against an individual, affiliate, or BOD member of FYSA regarding the violation of any FYSA, US Youth Soccer or USSF by-law, rule or policy.
- 601.7** Grievances among affiliated members of FYSA is defined as a complaint by one Affiliate against another Affiliate that alleges that the affiliate has failed to comply with its membership requirements or with its membership requirements with FYSA.

**602. GENERAL PROVISIONS: PROTEST, APPEALS, REQUEST FOR INTERVENTION, GRIEVANCE AMONG MEMBERS**

- 602.1** Objectives for FYSA establishing these guidelines are to provide for fair, equitable, timely and uniformly applied procedures for reviewing the conduct of FYSA Affiliates, supporting their rights, insuring adherence to the Rules and applying discipline based on a system of protest and appeal.
- 602.2** Due process shall be guaranteed to any individual or group disciplined or sanctioned by anybody within the jurisdiction of FYSA. Failure to provide due process shall result in the suspension of the discipline imposed and sanction against the body failing to provide due process. Upon determining due process has not been provided, the disciplining body may or may not be required by FYSA to re-institute proceedings according to the Rules.
- 602.3** Uniform rules shall be established and consistently applied to ensure that Affiliates have every opportunity to file protests and appeal decisions that affect their participation in soccer.
- 602.4** These rules shall apply to all individuals, affiliates, players, coaches, officials and administrators of any Affiliate. Discipline of any officer or director shall only be in accordance with By-laws 6.2 and 6.3.
- 602.5** Protest, appeals, request for intervention and intervention policies shall be as set forth in these rules and in such policies as may be established by the Review and Discipline Committee and the Protest and Appeals Committee, as approved by the Board of Directors and must be in keeping with the policies of USSF and US Youth Soccer.
- 602.6** Methods for informal requests for rule clarification that affect the Affiliates' administrative, programmatic and procedural relationship with FYSA shall be established.
- 602.7** Compliance with FYSA Rules and By-laws is required when an Affiliate constructs their own guidelines for protest and appeal procedures. They must ensure the right to a fair, impartial and timely hearing, protest or appeal process.
- 602.8** Entry levels for protesting any discipline or sanction shall herein be defined and the ability to appeal the action of the entry-level body can only be based on the failure at the entry level of not following proper procedures.

**603. FILING OF CHARGES**

- 603.1** An individual, affiliate, or BOD member of FYSA may be charged with the violation of any FYSA, US Youth Soccer or USSF rule, policy or by-law. All charges filed that are outside the authority and jurisdiction of the affiliate shall be initially filed with FYSA's Review and Discipline Committee. The initial charging letter describing the offense, with specific reference to the Rule that has been violated, copies of confirming documentation, and accompanied by a filing fee of \$100.00 (unless filed by an FYSA official or FYSA committee) shall be filed with FYSA's Review and Discipline Committee within ninety (90) days of discovery of the infraction (with the exception of a charge of referee abuse or assault that must follow the guidelines stated in FYSA Rule

502.9). The Review and Discipline Committee shall have sole authority to determine if there is sufficient evidence to warrant a hearing in the matter. If it is so determined, a hearing must be held by the lowest authority possible within thirty days (30) of notification by the Review and Discipline Committee. Once the hearing has been held, the hearing panel must send a copy of the hearing record and decision letter to the FYSA office and a copy of the decision letter to the Review and Discipline Committee. The hearing rules and procedures will follow FYSA Rule 610.

**603.2** Failure of any elected FYSA officer or member of the Board of Directors to comply with or properly administer the by-laws and rules of FYSA, US Youth Soccer, or USSF may result in charges of misfeasance, malfeasance, or nonfeasance as outlined in FYSA Rule Section 505 (Discipline - Administrative Conduct). All charges shall be filed pursuant to the provisions laid out in FYSA Rule 603.1. Upon determination by the FYSA Review and Discipline Committee that sufficient evidence exists to proceed with a formal hearing, the FYSA President shall empanel a hearing panel of not less than three (3) non-Board members with the President being the facilitator of the hearing. In the event that charges are brought against the President of FYSA, the FYSA Secretary shall empanel the hearing panel and will serve as facilitator of the hearing. Any decision resulting from the hearing may be appealed to the FYSA Protest and Appeals Committee

**603.3** Filing a charge(s) guarantees any Affiliate or its members the right to a hearing, subject to Review and Discipline's determination.

#### **604. PROTEST**

**604.1** Filing a protest guarantees any Affiliate or its members the right to a hearing. The Affiliate must follow the entry levels described, beginning at the lowest appropriate level. No level can be skipped if the Affiliate wishes to continue the protest process.

**604.2** Entry levels for filing a protest (In all levels, the individual shall follow the procedures below.):

1. Team/individual to the Affiliated Club.
2. Team/Club to the Affiliated League, if applicable.
3. Team/Club/League to Protest and Appeals.

**604.3** Procedures for filing a protest:

1. Entry level of protest as listed above must be followed.
2. Basis for the protest must be clear, specifically described and include all pertinent information.
3. Violated rules must be specifically referenced in writing.
4. Persons involved must be identified along with their address and phone number, including those with information but who may not be directly involved.
5. Documentation that should be submitted includes, but is not limited to, signed and certified statements, game reports, rosters, and/or other pertinent information.
6. Fees, as set by FYSA, shall be included. (See Fee Structure - Rule 303)
7. The time requirements for filing a protest must be within seven (7) days of the occurrence, and the protest must be submitted in writing.
8. The Protest and Appeals Committee may prescribe standard forms for use in filing all protest and appeals within the state.

- 604.4** For failure to meet requirements for filing a protest, the reviewing authority may:
1. Refuse to hear protest and return it to the person(s) filing protest.
  2. Return protest to the appropriate entry level for review and reconsideration.
  3. Deny protest as not having been correctly filed and/or submitted.
- 604.5** Tracking a Protest (These are guidelines and reasonable variations for legitimate reasons will not invalidate the appeal.):
1. Appellant to Protest and Appeals Committee 7 days
  2. P/A to Affiliate/Member 21 days

When a decision about a protest is made, the lower authority that initially made the allegations against any FYSA member, player and/or coach shall be notified within the time lines as specified above.

## **605. APPEALS**

**605.1** Filing an appeal guarantees any Affiliate or its members the right to appeal any decision impacting their ability to participate in soccer or deemed to be contrary to FYSA Rules or the rules of the Affiliate organization. (NOTE: No decision of a lower hearing authority that arises out of the application of the rules of the competition that is made in the course of the competition, and has no consequence beyond the competition may be appealed.)

**605.2** Levels of Appeals are:

1. To the Protest and Appeals Committee of a decision reached at a lower authority.
2. As defined under FYSA Rule 606.

**605.3** Procedures for filing an Appeal:

1. Level of appeal as listed previously has been followed.
2. Documentation and all pertinent information is submitted in writing including, but not limited to, the original decision of the lower authority.
3. The appellant shall furnish to all previous parties to the decision, by certified mail or other means where delivery can be verified, a copy of the appeal and all attachments referenced in the appeal.
4. Upon receipt of an appeal, the hearing body shall notify all parties to the action of the pending appeal and timelines for submission of arguments and rebuttals. This notice shall be by means where notification can be verified.
5. Time requirements are met following the protest decision.
6. Fees, as set by FYSA, shall be included. (See Fee Structure - Rule 303)

**605.4** Criteria for filing an Appeal are:

1. Basis for the appeal is clear evidence that the lower authority failed to follow established procedures during original review.
2. Excessive disciplines and/or sanctions were imposed by the lower authority than is customarily required for the offense.
3. Authority not within the Rules of FYSA for the alleged offense.
4. Time requirements were not met by the lower level authority.

**605.5** Denial of an Appeal shall be based on:

1. Basis of the appeal is not the failure of the lower level of authority to meet the rules.
2. Member filing appeal is not the person(s) or body that originally filed the protest.

3. The status of the person(s) filing the appeal is "Not in Good Standing."
4. Different basis or intent, in part or wholly, of the original appeal.
5. Established rules have not been followed.

**605.6** Tracking of an Appeal (These are guidelines and reasonable variations for legitimate reasons will not invalidate the appeal.):

- |                                     |         |
|-------------------------------------|---------|
| 1. Individual/Team/affiliate/league | 7 days  |
| Back to Appellant                   | 10 days |
| 2. Protest and Appeals Committee    | 10 days |
| Back to Appellant                   | 21 days |

When a decision is made about an appeal, the lower authority that initially made the allegations against any FYSA member, player and/or coach, shall be notified within the time lines as specified above.

**605.7** Access to pertinent information in order for a party to file an appeal cannot be denied. Neither an Affiliate nor FYSA shall deny access to any information that could apply to the appeal.

**606. APPEAL BEYOND FYSA**

1. If jurisdiction does not vest with USSF, a decision rendered by FYSA's Protest and Appeals Committee may be appealed to FYSA's BOD. All conditions as contained under FYSA Rule 605.3 must be followed for an appeal to the BOD. A fee for this appeal may be set by FYSA's BOD.
2. Appeal of a conviction of referee assault shall vest immediately with the USSF Appeal Committee.
3. As otherwise described in USSF By-laws 702 and/or 703.

**607 LITIGATION**

**607.1** Seeking the aid of the courts may not be pursued before exhausting all available remedies within the established channels of organized soccer including but not limited to FYSA and US Youth Soccer, or USSF as may be applicable.

**607.2** Should an Affiliate or a member of an Affiliate cause FYSA to become involved in litigation as a defendant, either by the Affiliate or its members invoking the court action against FYSA or by rendering a decision contrary to the FYSA Rules that then causes FYSA to be also named in a suit, or any court action causing FYSA to act contrary to its' Articles of Incorporation, By-laws, Rules and Regulations, shall result in the Affiliate/member being subject to suspension and fines.

**607.2.1** The Affiliate/member shall be liable for any and all costs to FYSA to include, but not be limited to, the following:

- a. Court costs and attorney fees.
- b. Reasonable compensation for time spent by FYSA officials and/or employees in responding to and defending against allegations in the action including response to discovery and court appearances.
- c. Travel, per diem expenses, and expenses for copying, reproducing or meeting requirements for the submission of documents.
- d. Preparation expenses for calling meetings of the Board of Directors, Executive Committee and/or Committees if necessitated by the action.

e. Any and all other expenses incurred by FYSA as a result of such action.

**607.2.2** Invoking the use of the court system prior to the exhaustion of all appeals within FYSA and/or USSF shall result in immediate suspension from all FYSA sanctioned events for the party invoking legal action and shall result in any appeal process(s) remaining within FYSA being halted, until such time as the litigation is resolved.

## **608 REQUEST FOR INTERVENTION**

**608.1** Request for intervention may come from any Affiliate or Affiliate member in good standing and must follow the criteria established for this process. The Executive Committee shall exercise the right and authority to cause review and response to any request for intervention.

**608.2** Procedures for Requesting Intervention are:

1. Basis for requesting intervention shall be upon documentation that a person(s) has been denied due process; a timely, fair or impartial hearing; has been denied the opportunity to respond to charges; or involves the action or failure to act by FYSA or the Affiliate.
2. Filing a request shall be directly to the Secretary of FYSA who shall present the request to the Executive Committee for direction.
3. Circumvention of the protest and appeal process cannot be the object of requesting intervention.

**608.3** Executive Committee options are:

1. Refer to the Review and Discipline Committee if the Executive Committee feels that a valid and documented issue has been raised. The Review and Discipline Committee findings shall be submitted in writing to the persons(s) requesting intervention.
2. Deny request and take no action if the Committee determines a valid issue has not been raised or properly documented.
3. Refer to Protest and/or Appeal level deemed more appropriate to the issue.

**608.4** Any expense incurred by FYSA will be assessed to the requesting party. FYSA may require a bond be posted equal to the estimated cost.

## **609 INTERVENTION**

**609.1** Intervention, upon request of an Officer of FYSA, into an Affiliate's organization, administration, or actions pertaining to protest, appeals and/or discipline is within FYSA's authority and right to intervene.

**609.2** Procedures for Intervention are:

1. Review and Discipline Committee shall, upon notification by an Officer, review the rule infraction(s), determine if an infraction exists, and shall set discipline if determined infraction has occurred.
2. Regional Vice President shall take appropriate action as determined by the Review and Discipline Committee, providing due process has not been circumvented or denied.

**610. GRIEVANCE BY AN AFFILIATE MEMBER OF FYSA**

1. A written charging letter must be submitted by, signed or endorsed by the agent of record of the charging affiliate. This charging document shall be filed with the Secretary of FYSA. A copy of the complaint must also be sent, by registered, return receipt mail or some other service where service can be verified, to the charged affiliate. The complaint must contain the following:
  - a. the names and addresses of the parties involved,
  - b. the alleged grounds or rules that have been violated,
  - c. all supporting evidence or documents forming the basis of the complaint, and
  - d. the relief sought.
2. The complaint must be accompanied by the required fee as may be set by FYSA's BOD.
3. An answer to the complaint shall be filed by the charged affiliate with the Secretary of FYSA, with a copy to the all parties, by certified mail or other means where service can be verified, within thirty (30) days after receipt of the complaint. Failure to file a response within the requisite time period shall serve as a default, except upon showing of good cause.
4. The complaint and answer shall be referred to the Executive Committee of FYSA for a hearing on the merits of the complaint. This hearing shall be held at the direction of the President of FYSA within sixty (60) days of the filing of the complaint. If the President believes it will best serve the interest of expeditious consideration of the complaint, the President may, with approval of the EC, appoint a panel of not less than three (3) members of the EC to hear evidence on the complaint. This panel will then submit its recommendations to the full EC for approval.
5. Based on the nature of the complaint, the EC may adjust the above time lines.
6. Any required hearing shall comply with Rule Section 611.
7. There shall be no right of appeal to any other FYSA body from a determination of the Executive Committee under this procedure.

**611. HEARING PROCEDURES**

**611.1** Hearings shall be held at the lowest or entry level when the disciplining body wants to levy more than the minimum discipline, when there is confusion as to who participated and/or to what degree in a serious incident, to determine responsibility for Administrative misconduct, or otherwise required for protest and/or appeal. Refer to FYSA Rule 508 for the proper procedure on conducting a hearing. Incorrect hearing procedures shall be cause for protest or appeal.

**611.2** Informal hearings shall be held in cases of minor infractions that may involve one or only a few individuals. These hearings must be held at the entry level as described under Rule Section 604. However, notification, documentation and submission of evidence to the FYSA State Office as described under Formal Hearings (see next section) should be followed as closely as reasonably possible.

(NOTE: Referee judgment calls are not subject to appeal.)

**611.3** Formal Hearings shall be held in cases of major infractions and/or when it is not clear who is liable for discipline/suspension/sanction unless witness testimony is taken. The procedure is as follows:

1. Identify persons involved and witnesses. Also must give written notice (charging document) to the accused of the specific charges or alleged violations and the possible consequences if the charges are found to be true.
2. It shall be the sole responsibility of the requesting party to notify all persons who are requested to give testimony by first class or priority mail, Federal Express, UPS, fax with confirmation of receipt, or e-mail with confirmation of receipt. Such notice shall be retained as part of the record of the hearing.
3. Notice shall be sent at least seven (7) days in advance of the hearing as to date, time and place of the hearing to both the prosecution and defense.
4. Schedule the hearing as conveniently as possible to all participants.
5. The accused shall have the right to be assisted in the presentation of his/her case at the hearing.
6. The accused shall have the right to call witnesses and present oral and written evidence and arguments in support of his/her defense.
7. The accused shall have the right to confront witnesses, including the right to be provided with the identity of witnesses in advance of the hearing.
8. Select a hearing board of not less than three (3) pertinent representatives who are not familiar with the incident being heard. (NOTE: In the case of referee assault, the hearing panel shall be comprised of not less than five (5) members.)
9. The accused shall have the right, at his expense, to have a record of the proceedings made.
10. Document the proceedings and obtain copies of all documents supplied by anyone requested to be present or generated at the time the incident occurred.
11. Provide equal time for all sides and sufficient time to hear all sides.
12. Deliberate in private after the hearing. Reach a decision solely on the evidence of record (the evidence and testimony introduced at the hearing). A written decision letter must then be produced to include the reasons for the decision, the specific findings of the panel, a description of the charges, the factual conclusions made by the panel that led to its decision, the specific discipline imposed (if any), and the scope of any discipline.
13. Notify those being disciplined and/or recommended for further action of the decision by certified mail, return receipt requested, within ten (10) days of reaching the decision.
14. Include in the decision letter the next level of appeal, the procedure for filing that appeal, and costs associated with the appeal.
15. Provide a copy of the decision and all hearing documentation to the FYSA State Office.
16. Referee judgment or discretion calls cannot be heard by any disciplinary body.

**611.4** It is the responsibility of the highest (last) hearing authority to notify the FYSA State Office in writing of any person(s) affiliated with FYSA who is suspended from participating in any FYSA activities for more than sixty (60) days or six (6) games.