

*New York State West
Youth Soccer Association
(NYSWYSA)*

ADJUDICATION MANUAL

*(Approved Aug 2000)
(With Change Three)*

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New York State West Youth Soccer Association **Adjudication Manual**

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HISTORY OF ADJUDICATION MANUAL CHANGES

Original *Approved Sept 2000*

Change One *Approved 4/21/02*
Add Section: VIII. DISCIPLINARY ACTION REPORT
Add ii History of Adjudication Manual Changes Page
Moved Adjudication Policy References section to end of manual

Change Two *Approved 11 02 02*
Add Section IV. Mediation

Change Three *Approved 11 03 03*
Add new Section VIII. SUSPENSION BECAUSE OF LITIGATION
Change Section VII. APPEALS

I. GENERAL INFORMATION

1. U.S. Soccer Bylaws include policy concerning hearings (**Bylaw 701**) and appeals (**Bylaw 705**). Guided by the policies established in these bylaws, NYSWYSA has produced the organization’s Adjudication Procedures Manual. The manual will guide all adjudication activities within this National State Association. The information contained herein is effective immediately.
2. Settlement of a dispute within a program affiliated with NYSWYSA is expected to be handled ‘in-house’. With the exception of a decision concerning a competitive dispute, once a ruling on the dispute has been rendered, a party has the right to appeal to NYSWYSA.
3. **Section II, NYSWYSA ADJUDICATION COMMITTEE**. Section II establishes the NYSWYSA Adjudication Committee (AC) to conduct disciplinary and appeal hearings held at the state level.
4. **Section III, AUTHORITY AND RESPONSIBILITIES**. Authority is given to committee membership conducting a hearing or appeal session and responsibilities are identified for those selected to serve.
5. **Section IV, MEDIATION**. In lieu of a hearing, NYSWYSA recommends mediation as the tool for internal settlement of disputes within an affiliated club. Mediation is cheaper in terms of cost and time. Everyone wins in successful mediation because all parties agree.
6. **Section V, HEARING PROCEDURES**. Due process must be afforded all parties at a hearing. Rules for conducting hearings within NYSWYSA are defined including the “Hearing Format”, “Findings Report”, and the “Hearing/Appeals Record”.
7. **Section VI, FINDINGS LETTER**. The decision/finding must be forwarded, in writing, to all parties once a hearing is concluded. The right to appeal must also be conveyed.
8. **Section VII, APPEALS**. Emphasis must be placed on the appeal rights of all parties. **U.S. Soccer Bylaw 705 – “Appeal Procedures”** details the right of parties to appeal decisions handed down by the National State Association. In general, all decision rendered by NYSWYSA are appealable directly to the U.S. Soccer Appeals Committee. One exception – a decision arising from the application of rules for competition, which is made in the course of competition, and has no consequence beyond the competition. Most decisions rendered at the club, league or district level are appealable to NYSWYSA. To appeal, a “Notice of Appeal” must be completed and submitted in accordance with instructions provided in this manual.
9. **Section VIII, SUSPENSION BECAUSE OF LITIGATION**. USYSA Bylaw 252 requires State Associations to immediately suspend any member “...who becomes a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players. U.S. Soccer strongly suggests conducting a hearing.

10. **Section VIII, DISCIPLINARY ACTION REPORT.** This section establishes a requirement for NYSWYSA, and affiliated leagues and clubs to submit appropriate monthly Disciplinary Action Reports.
11. In every case when a decision is rendered from within or by NYSWYSA that can be appealed, very specific information about the rights and procedures for appeal must be communicated to all parties.
12. Alleged misconduct toward game officials shall be heard at the “state” level. The adjudication process shall follow guidelines established in **U.S. Soccer Policy 531.9 – “Misconduct Toward Game Officials”**.

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II. NYSWYSA ADJUDICATION COMMITTEE

1. The Adjudication Committee (AC) shall consist of the NYSWYSA, Second Vice-President, who shall serve as its chairperson and a minimum of one person from each NYSWYSA district. Each district commissioner shall assign the district representatives to the AC.
2. The Adjudication Committee Chairman shall assign a minimum of three (3) neutral AC members, one of which, shall be the AC Chairman to sit on a panel. There may be two types of panels:

Hearing Panel – Assigned to hear the original case.

Appeals Panel – Assigned to hear an appeal submitted to the state organization.

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III. AUTHORITY/RESPONSIBILITIES

1. The authority to adjudicate all disputes within NYSWYSA is provided to the Adjudication Committee (AC). A decision rendered by the AC is the final word from NYSWYSA.
2. When disputes occur between parties within New York State West Youth Soccer Association, it is expected that the issue will be settled at the lowest level possible.
3. A ‘party’, subject to the adjudication process of NYSWYSA, can be any individual who is an official, coach, manager, trainer, player on any team, club or league affiliated with NYSWYSA. This includes any team from another state association participating in league play or player who is rostered to any team registered within NYSWYSA. A ‘party’ may also include any referee or assistant referee who is affiliated with NYSWYSA. Each team/club is responsible for the conduct of their spectators.
4. The lowest level, identified in the paragraph above, is defined as follows.
 - a. Disputes that arise, when a party is accused of not following rules and procedures established within a specific level (team, club, league), are expected to be handled within the level of occurrence.
 - b. Disputes that arise when a party allegedly had not followed rules and procedures established by NYSWYSA, the issue should be handled as directed by the NYSWYSA AC Chairman.
 - c. At any time issues or disputes are to be heard, the individual to hear the case or any member of a hearing committee must be excused should a ‘conflict-of-interest’ exist.
 - d. In accordance with **U.S. Soccer Policy 531.9, Section 4**, NYSWYSA must hold a hearing within thirty (30) days of verification by the State Association of the abuse or assault on a referee.
 - e. Once notification is received, the NYSWYSA, AC Chairman shall advise the accused. The AC Chair shall conduct the disciplinary hearing. The AC Chair shall obtain a copy of the referee’s report, schedule the hearing date, encourage both the accused and the referees group to bring documentation, relevant witnesses, and prepare to give testimony at the hearing, conduct the hearing, and report the findings to all necessary and interested parties.
 - f. Disputes concerning tournament or league competition, wherein the decision is made in the course of the competition and has no consequence beyond the competition is **NOT** appealable.
5. Once a decision is made and there is a right to appeal, the organization must advise the party or parties, in writing, of the right to appeal the decision to the appropriate authority. The path of appeal is to be determined by NYSWYSA, AC chairman. as follows: league/club/district → NYSWYSA. Most decisions made at the state are appealable to U.S. Soccer. Detailed instructions are found in **Section VII**. – **“Appeals”** of this manual.

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IV. MEDIATION

GENERAL INFORMATION.

- a. New York State Youth Soccer Association favors resolution of disputes through mediation whenever possible. When a dispute develops within a club or league, it is expected that the issue be settled 'in-house'. The president of the club or league where the conflict exists can broker the mediation concept, and anyone in a dispute can request a mediator to assist in a resolution, but all parties in the dispute must enter into the mediation voluntarily.
- b. Should the NYSW Adjudication Committee receive a complaint from within NYSW that involves an 'in-house' issue within a club or league, the Committee Chairperson may return the issue to the club or league for resolution and may recommend the vehicle for resolution be that of mediation.
- c. It should be understood that mediation is a volunteer effort. Any party can ask for a recess, a continuance, or simply terminate the process at any time.
- d. It must also be understood that mediation may not work and an agreement may not be obtainable. The mediator, the third and neutral party, may decide an agreement is not possible and terminate the mediation.

2. DEFINE MEDIATION

- a. Mediation is a process available to both sides involved in a dispute by which an outside party (mediator) is called upon to help reach a settlement. The 'neutral' mediator does not resolve the dispute, but tries to move the parties toward agreement by maintaining communications and suggesting alternative solutions to deadlocks. Although the mediator assists in the process, the primary responsibility for the resolution of a dispute rests upon the parties themselves.

3. BENEFITS OF MEDIATION

- a. Mediation is the most economical means of settling a dispute. The required financial costs involved are expenses incurred by the mediator. The parties may agree to also pay the mediator an hourly rate, but this is not required by NYSW and is optional. A financial agreement will be written out and signed by all parties. (See example: Attachment 2)
- b. A dispute may be settled very quickly by means of mediation. Considerable time can be saved by this means.
- c. There are no losers in a successful mediation. All parties win as the dispute is settled by mutual agreement.

4. THE MEDIATION

- a. Once all parties agree that mediation is the proper method for settling their dispute, the remainder of the process is very easy. The standard mediation format, as indicated below, is recommended. Flexibility is a necessary ingredient in any effort to reach a joint decision therefore the structure of a mediation effort should have room to flow toward a 'mutual' conclusion.
- b. A recommended format for mediation follows. The actual mediation event must remain flexible and pliable to allow the mediator to manipulate the parties toward a solution and agreement.
 - 1) Agree to Mediate
 - 2) Select a Mediator
 - 3) Parties and Mediator Complete and Formally Sign an Agreement to Mediate
 - 4) Phase One: Joint Session
 - 5) Phase Two: Caucus Session
 - 6) Phase Three: Resumption of Joint Session
 - 7) Agreement
 - 8) Agreement Placed in Writing and Signed by Parties.
- c. Recommended ground rules for mediation are contained in *attachment (1)* to this chapter. Suggested formats for a written agreement to mediate and a financial agreement are found in *Attachments (2) and (3)* to this chapter.

5. FUNCTION OF THE MEDIATOR

- a. Before and during the process the mediator should become familiar with national, state, and club and/or league bylaws, policy and procedures. This will prevent decisions that cause the parties to stray from appropriate and approved activities.
- b. The mediator must ...
 - provide a positive environment for dispute resolution.
 - be an effective communicator.
 - have the confidence and trust of the parties.
 - not make moral judgments about the substance of the agreement.

6. SELECTING A MEDIATOR

- a. The selecting of a mediator may take some time. Most important, the individual selected must be neutral and dedicated to helping the parties come to an agreement. A purest model for a mediator may possess the following characteristics and qualities:

Desired characteristics for a mediator are integrity, impartiality, fairness and courage.

Intellectual Qualities: patience, perseverance, empathy and stability.

Social Qualities: tact, diplomacy, sense of humor, effective listening and speaking.

Technical Qualities: chairing a meeting; understanding of the issue; knowledge of national, state and local bylaws, policies and procedures; and ability to write clearly.

REFERENCES:

Sauer, Robert. LABOR RELATIONS Structure and Process. Merrill Pub., Columbia. 1987
from www.mediate.com:

Fisher, Paul. www.fishermediation.com

Melemed, James, of Resourceful Internet Solutions

ATTACHMENTS:

IV.1. Ground Rules for Mediation

IV.2. Agreement to Mediate

IV.3. Financial Agreement

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GROUND RULES FOR MEDIATION

The following is are recommended ideas that should help parties come to a mutual agreement in the smoothest way possible. Parties should agree to

- take turns speaking.
- not interrupt each other.
- call each other by first names.
- not blame, attack or engage input-downs.
- will ask questions of each other for the purpose of gaining clarity and understanding only.
- stay away from establishing hard positions and self-expression in terms of our personal needs and interests and the outcomes that we wish to realize.
- listen respectfully and sincerely try to understand the other person's needs and interests.
- recognize that, even if parties do not agree with it, each is entitled to our own perspective.
- focus on the future we would like to create, not dwell on things that did not work in the past.
- make a conscious, sincere effort to refrain from unproductive arguing, venting, or narration, and agree to use our time in mediation to work toward what we perceive to be our fairest and most constructive agreement possible.
- speak up if something is not working in mediation.
- request a break when needed.
- refrain from adversarial proceedings outside the mediation (except in the case of an emergency necessitating such action).
- point out if we feel the mediator is not being impartial as to person and neutral as to result.

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AGREEMENT TO MEDIATE

This is an agreement between _____ and _____, hereinafter “parties,” and _____, hereinafter “mediator,” to enter into mediation with the intent of resolving issues related to: _____.

The parties and the mediator understand and agree as follows:

The parties hereby appoint _____ as mediator for their negotiations. The parties understand that mediation is an agreement-reaching process in which the mediator assists parties to reach agreement in a collaborative, consensual and informed manner. It is understood that the mediator has no power to decide disputed issues for the parties. The parties understand that mediation is not a substitute for independent advice. The parties are encouraged to secure such advice throughout the mediation process and are strongly advised to obtain independent review of any mediated agreement before signing that agreement. The parties understand that the mediator’s objective is to facilitate the parties themselves reaching their most constructive and fairest agreement. The parties also understand that the mediator has an obligation to work on behalf of each party equally and that the mediator cannot render individual advice to any party and will not render therapy within the mediation.

The parties understand that it is for the parties, with the mediator’s concurrence, to determine the scope of the mediation and this will be accomplished early in the mediation process.

All parties here state their good faith intention to complete their mediation by an agreement. It is, however, understood that any party may withdraw from or suspend the mediation at any time, for any reason.

The parties also understand that the mediator may suspend or terminate the mediation: if it is felt the mediation will lead to an unjust or unreasonable result, if the mediator feels an impasse has been reached, or if the mediator determines that s/he can no longer effectively perform his/her facilitative role.

The parties understand that the mediator must remain impartial throughout and after the mediation process. Thus, the mediator shall not champion the interests of any party over another in the mediation or in any hearing or proceedings that follow.

It is understood between parties and the mediator that the mediation will be strictly confidential. Mediation discussions, written and oral communications, and draft resolutions, and any unsigned mediated agreements shall not be admissible in any hearing conducted within NYSW or its affiliates. Only a mediated agreement, signed by the parties may be so admissible. The parties further agree to not call the mediator to testify concerning the mediation or to provide any materials from the mediation in any hearing proceedings involving the parties. The mediation is considered by the parties and the mediator as negotiation for settlement. The parties understand the mediator has an ethical responsibility to break confidentially if s/he suspects another person may be in danger of harm.

Each party agrees to fully and honestly disclose all relevant information and writings as requested by the mediator and all information requested by any other party of the mediation if the mediator determines that the disclosure is relevant to the mediation discussions.

The parties agree to refrain from pre-emptive maneuvers and adversarial proceedings (except in the case of an emergency necessitating such action), while actively engaged in the mediation process.

The parties and mediator agree that the mediator will be paid in the manner agreed to on the attached financial agreement. The parties and mediator shall sign the financial agreement simultaneously with the signing of this document.

This statement is agreed to on _____
Date

Party One. _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Party Two _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Additional Party . _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Mediator. _____ / _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

FINANCIAL AGREEMENT

The parties and mediator agree that the mediator will be paid in the following manner.

A per-hour rate of _____ has been agreed upon for time spent with the parties and for time required to study documents, research issues, correspond, telephone call, prepare draft and final agreements, and do such other things as may be reasonably necessary to facilitate the parties' reaching full agreement.

The mediator will be paid \$.31 per mile for travel between residence and the meeting location.

The parties further understand that copying, postage and long-distance phone calls will be billed to them. The mediator shall be reimbursed for all expenses incurred as a part of the mediation process.

A deposit payment of _____ toward the mediator's fees and expenses shall be paid to the mediator along with the signing of this agreement. Any unearned amount of this deposit fee will be refunded to the parties.

The parties shall be jointly and severally liable for the mediator's fees and expenses. As between the parties only, responsibility for mediation fees and expenses shall be _____.

The parties will be provided with a monthly accounting of fees and expenses by the mediator. Final billing is due to the parties within 30 days of the conclusion of the mediation. Payment of such fees and expenses is due to the mediator no later than 15 days following the date of such billing, unless otherwise agreed in writing. A 1.5% monthly service charge will be made for any payment of fees and expenses not so timely made.

Should payment not be timely made, the mediator has the discretion to stop all work on behalf of the parties, including the drafting and or distribution of the parties' agreement, and withdraw from the mediation. If collection action is taken by the mediator to collect fees and/or expenses under this agreement, the prevailing party in any such action and upon any appeal therefrom shall be entitled to any fees and/or costs therein incurred.

The parties understand that they shall be responsible for two hours of the mediator's time at the above stated rate for any appointment that they do not attend and do not provide at least 24 hours advance notice of the cancellation.

This Financial Agreement is signed on _____
Date

Party One. _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Party Two _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Additional Party . _____ / _____ representing _____
Print Name Signature

Home Phone _____ Work Phone _____ Email _____

Mediator. _____ / _____
Print Name Signature
Home Phone _____ Work Phone _____ Email _____

V. HEARINGS

A. GENERAL INFORMATION

1. Most disputes within a club or league can be handled “in-house”. All club or league bylaws and rules or procedures should be clear and purposeful in terms of establishing guidelines for officers, coaches, managers, trainers, and players. Each club/league should specifically identify that individual, i.e. the president, who is responsible for handling issues in-house.
2. Should a dispute or issue necessitate adjudication by hearing, a committee of three (3) neutral individuals - including the chair, will be selected and chaired by the following ‘responsible person’.

HEARNG

COMMITTEE LEVEL

CHAIRPERSON

NYSWYSA –

Adjudication Committee

District

Club/League

NYSWYSA Second Vice-President

District Commissioner

Club/League President

The responsible party has the right to delegate the responsibility and authority to chair the hearing committee. This delegation will be in writing and become part of the official report.

3. Every party that is accused of a violation of rules and procedures of a team, club, league or NYSWYSA and is to become a party to a hearing must be afforded certain rights. Those rights are contained in **Section V. B. - “RIGHTS OF ACCUSED PARTIES”**.
4. Hearings at all levels within New York State West Youth Soccer Association will adhere to the policies contained in **Section V. C. - “RULES CONCERNING HEARINGS”**.
5. The format for all hearings conducted with New York State West Youth Soccer Association will follow the outline contained in **Attachment V.1. - “The Hearing Format”**. Hearing guidelines are contained in **Attachment V.2 - “Hearing Procedural Guidelines.”**
6. Results of all hearings must be forwarded within ten (10) days to the next level or authority, as follows: club/league/district → NYSWYSA Office. The AC Chairman may notify a District Commissioner that an appeal shall be heard at the district level. Hearing results are recorded on **Attachment V.3. – “Finding (Hearing/Appeals) Report”** and **Attachment V.4. – “Hearing/Appeal Record”**.
7. The hearing chairperson has 48 hours in which to forward a written decision to the accused. Instructions for the **“Findings Letter to the Accused”** are found in **Section VI.** of this manual.

B. RIGHTS OF ACCUSED PARTIES

In all hearings conducted within NYSWYSA, the following rights must be afforded to all parties:

1. notice of the specific charges 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 witnesses and present oral and written evidence and argument;
7. the right to confront witnesses, including the right to be provided the identify of witnesses in advance of the hearing;
8. the right to have a record made of the hearing if desired; and
9. a written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

The right to appeal **MUST** be permitted when allowed.

C. RULES CONCERNING HEARINGS (TESTIMONY AND EVIDENCE)

These rules shall be consistently applied to both parties and individuals assisting a party in the presentation or defense of the party's case.

1. The panel chairman shall provide, in writing, specific charges or alleged violations and possible consequences if the charges are found to be true.
2. The panel chairman shall state the specific charges or alleged violations and possible consequences if the charges are found to be true.
3. Witnesses appearing for the plaintiff and for the defendant shall be limited to three (3).
4. All testimony shall be limited to the principal parties, eyewitnesses, and recognized authorities on the subject.
5. **Character witnesses and other third party witnesses shall not be allowed.**
6. Should an attorney be present at a hearing to assist a party in presenting the party's case, it shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with NYSWYSA hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.
7. Each party 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. All expenses for representation, i.e. lawyers, will be borne by the represented party, regardless of the outcome of the hearing and subsequent appeals.
8. The individual assisting a party has the right to be physically present in the hearing room, and so as not to interfere with the hearing procedure, it is also permissible for the individual assisting a party be allowed to seat 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.
9. Should the complainant be represented by another individual at any hearing and the hearing panel allows that individual to speak, question the parties and/or witnesses, or grants that individual any other rights, then it shall afford all other parties, or the individual representing the party, including an attorney, the same rights during the course of the hearing as is allowed to the individual representing the complainant.
10. 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 proceedings.
11. If there is confusion or concern, the party may request a recess to confer with the individual assisting the party. Such a request should be granted unless the number of requests by a party becomes unreasonable or the hearing panel deems the length of a requested recess to be unreasonable.

12. An individual assisting a party may prepare written materials for the party and collect documents for the party. However, the party must submit or present the materials and documents as materials and documents of the party, and not of the individual assisting. The party has complete responsibility for those materials and documents and is subject to questioning about them.
13. Once a hearing is completed, and parties are excused, the panel hearing the issue will make a decision. That decision will be based on the facts presented. Once the hearing is completed and parties are excused, the chairman of the panel has 48 hours to forward a written decision/findings to the accused. The “findings letter” to the accused will be considered forwarded when postage is stamped with date/time of mailing. Certified Letter - Return Receipt Required is required.
14. Once the decision has been rendered, a final report must be prepared and forwarded to the NYSWYSA State Office within ten (10) days. The Chairman of the Hearing Committee should retain a copy of the report.

ATTACHMENTS:

- V.1. Hearing Format
- V.2. Procedural Guidelines
- V.3. Findings (Hearing/Appeal) Report
- V.4. Hearing/Appeal Record – Instructions
- V.4.1. Hearing Appeals Record - Form

HEARING FORMAT

All hearings within the purview and responsibility of NYSWYSA will follow the format established below.

ORDER OF HEARING:

1. Plaintiff will present the case (15 minutes)
2. Witnesses for the plaintiff will be called individually (20 minutes)
3. Defendant will present case (15 minutes)
4. Witnesses for defendant will be called individually (20 minutes)
5. Any witnesses will be recalled as necessary (10 minutes)
6. Plaintiff will make a closing statement (5 minutes)
7. Defendant will make a closing statement (5 minutes)
8. Open hearing is adjourned and all parties are excused.
9. Committee will deliberate and decisions will be made with notification to both parties post marked within 48 hours.

Note: The times listed for each element of the hearing are to be used as a guideline – they are not mandatory. The panel chairperson at the beginning of the hearing will set time limitations.

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HEARING PROCEDURAL GUIDELINES

The following is a listing of procedural guidelines that should allow the hearing to run smoothly.

1. Make sure each Hearing Committee Member knows what his/her role will be in the proceedings.
2. Set up the hearing room so that both the accused and those present on behalf of the Club, or League have ample seating, tables, etc., and are situated about the same distance from the Hearing committee.
3. If the Hearing committee utilizes a waiting area, arrange it so that the opposing parties and/or witnesses are separated and not placed together so as to avoid unnecessary confrontation.
4. Check witnesses and verify their identity. A driver's license is an acceptable form of verification.
5. Advise the parties of the rules of procedure of the meeting and accommodate reasonable questions at the start of the meeting. Procedures must be consistently applied to all meeting participants.
6. Minors should be accompanied by an adult, and make sure that the adult is known to both parties.
7. An accused is entitled to the right to assistance in his defense. You cannot keep an individual assisting an accused out of the hearing room.
8. The accused should be present at all times. He or she cannot be told to sit outside. On the other hand, it is perfectly acceptable for witnesses to be brought into the hearing room one by one. Remember, as a party to the action, the accused has the right to be in that room to confront witnesses, and adequately and properly defend the charges.
9. All evidence accepted should be checked to make sure dates, places and individuals named match.
10. Consider the evidence before you and don't let any outside factors to impact on the decision.

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FINDINGS (Hearing/Appeals) REPORT

Complainant: _____

Defendant: _____

Date of Hearing: _____ **Time of Hearing:** _____

Place of Hearing: _____

Complaint: _____

(Use separate sheet if necessary)

Finding: _____

(Use separate sheet if necessary)

Appeals Right Announced to the Parties: _____

The additional information should be submitted including as much detail as possible.

- 1. List all parties to include name, phone number(s), email, mailing address, and affiliation with which organization.**
- 2. List individuals who assisted any party. List by name, phone number(s), email, and mailing address.**
- 3. List witnesses for the accused. List by name, phone number(s), email, and mailing address.**
- 4. List witnesses for the plaintiff. List by name, phone number(s), email, and mailing address.**

All evidence/documentation provided by the accuser, witnesses for the accuser, the accused, witnesses for the accused, any other pertinent information will be included as part of the Hearing Record.

The completed report must be forward within ten (10) days to the next responsible party as follows:
club/league/district → NYSWYSA State Office.

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HEARING/APPEAL RECORD - Instructions

The Hearing (Appeals) Record shall include the following:

1. The Hearing (Findings) Report – the decision of the hearing body and any appeals decisions.
2. All documents, exhibits and other evidence in the case.
3. Copies of all rules, procedures, and bylaws used to support the charges and to conduct the hearing.
4. The notice of charges and/or hearing provided the defendant/appellant.

The record shall:

1. Be numbered in chronological order, i.e. 04-00-01-0001 (district – year – case number assigned by the AC chairman – event number).
2. Be indexed
3. Contain only one copy of each document.

If audio or videotapes are made part of the record, there must be four (4) copies of any such tape delivered as part of the record.

If a written transcript has been prepared, it shall be included as part of the record.
The record must be in English.

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CERTIFIED HEARING/APPEALS RECORD - Form

Case: _____ **Date of Hearing:** _____ **Index Page:** _____

Record #: _____ **Date:** _____ **Description of Document:** _____

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(attach additional sheets as required)

Certificate:

I certify that each party to this appeal was given the opportunity to present documentation before the record was closed and that the above documentation is the entire record considered in connection with this matter.

Dated: _____

Hearing/Appeals Committee Chairperson
(print name and signature)

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VI. FINDINGS LETTER to the Accused

1. Once a hearing is completed, and parties are excused, the panel hearing the issue will make a decision. That decision will be based on the facts presented. Once the hearing is completed and parties are excused, the chairman of the panel has 48 hours to forward a written decision/findings to the accused. The “findings letter” to the accused will be considered forwarded when postage is stamped with date/time of mailing. Certified Letter – Return Receipt Required is required.
2. The findings letter must contain a detailed written decision stating the reasons for the decision, based solely on the evidence of record. If the decision can be appealed at the Club, League, District or State level, the party must be advised of the necessary steps. The party must also be advised that he/she has ten (10) days to properly register the appeal.
3. Should the decision be the final decision that could be rendered by NYSWYSA, the party must be notified in writing of their right to appeal the matter to the U.S. Soccer Appeals Committee – providing the decision is appealable. The party should also be furnished with a copy of a U.S. Soccer’s “Notice of Appeal Form” and a copy of “U.S. Soccer bylaw 705”.
4. The following is a sample of a “Findings Letter”.

“Based upon the presentation of evidence at the hearing held on _____, it is the decision of the committee that, on Saturday, May 15 1999, you intentionally punched Billy Smyth of the Mason Creek Rangers U15B team in the nose, causing him physical harm. This act constitutes an assault on a player. The Committee hereby imposes a six-month suspension from any participation in soccer, to include all competition and training, with any team affiliated with U.S. Soccer.

“You have the right to appeal to _____. You have ten (10) days *from* the date of your receipt of the decision in which to submit the appeal.

If the decision rendered is to be appealed to NYSYSA from the district level:

“A copy of the appropriate Notice of Appeal Form and instructions outlining the appeals procedure is attached. Please complete the Notice of Appeal Form and send it to the attention of the Second Vice-President at: NYSYSA State Office, PO Box 1247, Corning NY 14830. Include the appropriate \$100 appeals fee (cashier’s check or money order) made payable to: “NYSWYSA.”

If the decision rendered is the final decision from NYSWYSA:

“A copy of Notice of Appeal Form and U.S. Soccer Bylaw 705 outlining the appeals procedure is attached. Please complete the Notice of Appeal Form and send it to the attention of the Secretary General at: United States Soccer Federation, Inc., 1801 South Prairie Ave., Chicago, IL 60616. Include the appropriate \$300 appeals fee (cashier’s check or money order) made payable to the: United States Soccer Federation, Inc.)”

“In accordance with U.S. Soccer Bylaw 705, Section 2, please be sure to send a copy of your completed Notice of Appeal Form to the NYSYSA State Office at the same time you send it to U.S. Soccer.”

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VII. APPEALS

1. All appeals within the NYS West are governed by the policies contained in U.S. Soccer Bylaw 705.
2. If a decision can be appealed to NYSWYSA, advise the party as to what action the party would need to take. Provide a copy to the accused of this page of Section VII and the 'Notice of Appeals to NYSWYSA Form.'
3. If the decision is the final decision which could be rendered by the NYSWYSA, then the State Association must notify the party in writing of the party's right to appeal the matter to the U.S. Soccer appeal Committee – (provided that it is an appealable issue – See exceptions contained in U.S. Soccer Policy 705-1). The party should also be furnished with a copy of a Notice of Appeal form and a copy of U.S. Soccer bylaw 705.
4. Advise all parties who may forward an appeal to the U.S. Soccer Appeals Committee to send the NYSWYSA a copy of the Notice of Appeal and all future correspondence and documentation sent to U.S. Soccer.
5. The party making the appeal must submit **a** notice of appeal within ten (10) days from the date of the official receipt of the decision. Notice of appeal must be in writing. The original signature must appear on the document. Copies of any notice of appeal shall be sent to all opposing parties and to the individual(s) or committee(s) that rendered any decision along the appeal route.
6. The decision rendered within NYSWYSA from which an appeal is taken is not suspended pending the final decision. The decision may be upheld, reversed, or reversed and remanded.
7. The Appeals Fee is as follows. **Certified checks or money orders** to the NYSWYSA will be written to NYSWYSA. **Certified checks or money orders** to U.S. Soccer will be written to U.S. Soccer. **No personal checks** or cash will be accepted. The appeals fees are not refundable.

NYSWYSA	\$100
U.S. SOCCER	\$300

8. Should an Appeals Panel (AP) be required, the Chairman of the Adjudication Committee will appoint a three (3) member AP. The Chair of the Adjudication Committee will generally be one of the three panel members and preside over the AP. Should the Chairman of the AC not be on the AP panel, he/she will select one of the members to chair the AP.
9. The Appeals Panel will operate within the guidelines for hearings.

Attachments:

VI.1. Notice of Appeal

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**NOTICE OF APPEAL
(For Use within NYSWYSA)**

PLEASE ATTACH APPEAL FEE: \$50 (APPEAL TO DISTRICT); \$100 (APPEAL TO STATE)

A. Individual/Organization filing Appeal (the “Appellant”):

Name: _____

Address: _____

Organization: _____ Position: _____
Home Work
Phone: _____ Phone: _____
Home Work
Email: _____ Email: _____
Home Work
Fax: _____ Fax: _____

Organization: _____ Position: _____
Organization President’s
President: _____ Phone: _____

B. Opposing Party (the “Appellee”):

Name: _____

Address: _____

Organization: _____ Position: _____
Organization President’s
President: _____ Phone: _____

Home Work
Phone: _____ Phone: _____
Home Work
Email: _____ Email: _____
Home Work
Fax: _____ Fax: _____

C. Date of Decision * being Appealed: _____.

***Appellant: Please be sure to attach a copy of the decision to this notice of appeal.**

D. Please State Briefly the Reason(s) Why You are Appealing the Decision:

_____.

_____.

_____.

_____.

_____.

E. Date Decision was received * by Appellant: _____.

*** Appellant has ten (10) days from date of receipt of the decision within which to file this notice of appeal at the appropriate level within NYSWYSA. The mailing address for the NYSWYSA State Office or the appropriate District Commissioner can be found on the NYSWYSA Web Page**

I hereby certify that a true and correct copy of this Notice of Appeal, together with correct appeals fee, in the form of a certified check or money order, made payable to NYSWYSA has been sent to the appropriate address.

I further certify that a true and correct copy of this Notice of Appeal has been sent to all parties and to appropriate individuals or committee chairs that rendered decisions from which this appeal is generated.

Dated: _____

Signature of Appellant

VIII. SUSPENSION BECAUSE OF LITIGATION

Ref: US Youth Soccer Association, By-law 252.

In accordance with US Youth Soccer Bylaw 252, any person participating in a USYSA program, who becomes a defendant in litigation detrimental to the welfare of youth players, shall be suspended from all soccer-related activities indefinitely.

The person has a right to appeal the suspension only over whether the matter, which is the substance of the accusation, if true, is detrimental to the welfare of youth players.

On completion of the litigation, the suspended person may inform the body suspending the person under section 1 of this bylaw that the litigation has been completed and request that the suspension be terminated and the person reinstated.

Club and League Responsibilities.

1. To notify NYSWYSA Office immediately whenever information becomes available that a person affiliated with youth soccer has been or may have been charged with or becomes a defendant in litigation detrimental to the welfare of youth players.
2. Once suspension is in place, clubs and leagues must report any violation of the suspension immediately to the NYSWYSA Office.

NYSWYSA Responsibilities.

1. Research the validity of the claim.
2. Determine that the person charged is in-fact the individual named.
3. Forward the suspension letter to the person.
4. Submit the person's name and required data to U.S. Soccer on the Monthly Report.

The Accused's Rights.

1. To appeal should the claim, if true, not be detrimental to the welfare of youth players.
2. On completion of the litigation, the suspended person may request the suspension be terminated and the person reinstated.

SUSPENSION BECAUSE OF LITIGATION

US Youth Soccer Association, Bylaw 252.

Section 1. Any person participating in a USYSA program, or in a program of a State Association or a program of a member of a State Association, who becomes a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players, shall be suspended from all soccer-related activities. Suspensions under this bylaw shall be determined by the appropriate State Association or the Board of Directors. Matters detrimental to the welfare of youth players shall include crimes of moral turpitude and felonies. The person has a right to appeal the suspension only over whether the matter, which is the substance of the accusation, if true, is detrimental to the welfare of youth players.

Section 2. On completion of the litigation, the suspended person may inform the body suspending the person under section 1 of this bylaw that the litigation has been completed and request that the suspension be terminated and the person reinstated. The suspending body may grant the request of the person or, if the decision of the litigation was adverse to the person, may continue the suspension for a period specified by the suspending body, fine the person, terminate all membership of that person with the suspending body and its members, or any combination of those authorized penalties.

IX. DISCIPLINARY ACTION REPORT

A memo sent by US Youth Soccer's Jim Cosgrove, director Soccer Operations, dated October 6, 2001 to State Presidents and State Offices established a requirement to submit a monthly report to US Youth Soccer.

Procedures established below will allow appropriate management of the information required in the monthly report.

GENERAL INFORMATION. Monthly, US Youth Soccer publishes the Disciplinary Action Report (DAR) listing people (players, coaches, etc.) currently suspended from participation in US Youth Soccer activities. . An updated DAR is published by US Youth Soccer on or before the 12th of each month.

In an effort to make the reporting process more efficient and timely, each state office is required to submit a monthly report. To ensure accuracy of information forwarded by NYSWYSA, **affiliated clubs and leagues must** inform the state office of any disciplinary action that resulted in a suspension of three months or more.

NYSWYSA ACTION REQUIRED.

The requirement to submit the Disciplinary Action Report and all accuracy, safety and storage of all accompanying data will be monitored by the Adjudication Committee Chairperson.

The State Office must submit NYSWYSA's monthly "Disciplinary Actin Report", with all additions, deletions and changes, to US Youth Soccer to arrive at the national office no later than the last day of each month.

Use Attachment One to this section, "*Disciplinary Action Report Form*", for submission to US Youth Soccer.

LEAGUE AND CLUB REQUIREMENT.

Any NYSW affiliated league or club that has rendered disciplinary action that results in suspension of three months or more must submit appropriate information immediately to the state office.

Once the suspension is in place, any change to the status of that suspension will be reported immediately to the state office.

Use Attachment Two to this section, "*NYSWYSA Disciplinary Action Report Form*", for submission to the NYSWYSA Office.

Attachments:

VIII.1. Disciplinary Action Report Form

VIII.2. NYSWYSA Disciplinary Action Report Form

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DISCIPLINARY ACTION REPORT FORM

This form is to be used whenever submitting additions, deletions or changes to the National Office Disciplinary Action Report. If this form is not used, changes to the Report may be delayed.

NYSWYSA must submit all additions, deletions or changes to disciplinary status by the last business day of each month to be included in next month's US Youth Soccer's Monthly Disciplinary Action Report. If necessary, use multiple copies of this form.

STATE ASSOCIATION: New York State West Youth Soccer Association

DATE OF SUBMISSION: _____

Additions:

Name	Activity	Suspension Imposed	From	To

Deletions:

Name	Activity	Suspension Imposed	From	To

Corrections and Changes:

Name	Activity	Suspension Imposed	From	To

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New York State West DISCIPLINARY ACTION REPORT FORM

This form is to be used by NYS West affiliated Leagues and Clubs whenever submitting additions, deletions or changes to the NYS West Office. If this form is not used, changes to NYS West's Report may be delayed.

NYS West affiliated Leagues and clubs must submit all additions, deletions or changes to disciplinary status by the 20th of each month to be included in NYS West monthly report to US Youth Soccer. If necessary, use multiple copies of this form.

LEAGUE or CLUB NAME: _____

DATE OF SUBMISSION: _____

Additions:

Name	Activity	Suspension Imposed	From	To

Deletions:

Name	Activity	Suspension Imposed	From	To

Corrections and Changes:

Name	Activity	Suspension Imposed	From	To

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X. ADJUDICATION POLICY REFERENCES

1. U.S. Soccer Appeals Manual
2. Olympic and Amateur Sports Act # 220522 (8)
3. U.S. Soccer Bylaw 701 – Hearing Procedures
4. U.S. Soccer Policy 701-1 – Right to Assistance to Defend One’s Case
5. U.S. Soccer Bylaw 705 – Appeal Procedures
6. U.S. Soccer Policy 705-1 – Appeal Matters
7. U.S. Soccer Policy 705-2 – The record of Appeal
8. U.S. Soccer Policy 531-9 – Referee Abuse/Assault
9. U.S. Soccer Policy 531-10 – Misconduct of Game Officials
10. US Youth Soccer Bylaw 252 – Suspension Because of Litigation
(Reference material is available through the NYSWYSA Office)