



## Policy Attachment C

### US Club Soccer Disciplinary Procedures (and Matters of Alleged Referee Assault or Abuse)

#### Rule 101. General

The authority to discipline Organization Members and its players, coaches, and administrators are contained in the US Club Soccer (NACSC) Bylaws and Section 9 of the Policies, or the rules of an individual competition, and these procedures shall be read in conjunction with those documents.

Outlined herein are the Procedures for disciplinary actions and Appeals for Organization Members, their coaches, administrators, players, fans, and other personnel, as well as for other affiliated events and organizations (i.e. tournaments and leagues) sanctioned by US Club Soccer.

For purposes of these Rules, a hearing committee shall consist of a:

--**Disciplinary Committee**, which shall refer to a hearing committee other than at the US Club Soccer level (i.e. tournaments and leagues); or a

--**Discipline Committee**, which shall refer to a US Club Soccer hearing committee.

These Rules and Procedures include the following actions:

(a) Appeals-- Arise from an adverse decision from a hearing held at a lower level which was either an Appeal or disciplinary hearing. Other than a parent or guardian who files for a minor child, only those principal parties adversely affected by the original action shall have standing to Appeal.

(1) Generally, an Appeal shall not have the effect of staying a previous decision, which remains in force and effect pending the results of the Appeal. A decision may only be stayed if the hearing committee determines that:

i. The appellant will suffer irreparable harm if the decision is not stayed.

ii. The Appeal has a high likelihood of success.

(2) An Appeal is not a retrial, and generally shall be limited to a review of the matters raised at the hearing. A hearing committee may ask for additional information from the parties in exceptional circumstances. In all Appeals, however, the parties may present written arguments in support of their positions.

(3) The hearing committee must find the prior decision was clearly erroneous or the appellant's right to due process was violated to reverse a prior decision.

(4) The imposition of discipline which does not extend or have consequences beyond the tournament competition itself shall not be appealable.

(b) Disciplinary Hearing-- Is an original US Club Soccer hearing that results from a written allegation, such as a game incident report or other Allegation of Misconduct, brought by elected or duly appointed officials, of US Club Soccer, its Member Clubs, other Organization Members, U.S. Soccer, or US Club Soccer sanctioned leagues, tournaments, or other events, and includes referees' allegations of assault or abuse.

(1) An Allegation of Misconduct is a written allegation utilizing the official US Club Soccer form or a referee report. It is recommended, but not required that this form be utilized for all written allegations.

(c) Bad Financial Standing-- Need not result from a disciplinary action pursuant to these rules. It is the result of an administrative action taken by US Club Soccer for non-payment of financial obligations, and is the opposite of an Organization Member being in good standing. Written notification must be given to place an Organization in bad standing, the continuation of which may result in Membership termination pursuant to Bylaw VII.

(d) Ineligibility-- Does not result from a disciplinary action (as opposed to suspension), but from a failure of a player or coach to comply with administrative rules and procedures, such as registration requirements or roster rules.

(e) Disqualification-- Is limited to staff, and arises out of information provided on the staff background check application, falsification of or failure to submit an application, or the background check itself. Disqualification is from all US Club Soccer affiliated activities, and potentially all USSF affiliates' activities.

(f) Protests-- Matters arising from a competition which do not involve the discipline of a Club, player, or other individual are considered protests, and are set forth in US Club Soccer Policy 8.05.

## **Rule 102. Levels of Authority**

The levels of disciplinary authority are as set forth herein. Unless stated otherwise, the next level shall hear Appeals from decisions of the next lower level:

(a) Level #1: Competition disciplinary committees and actions by the US Club Soccer Executive Director.

(1) Leagues, tournaments, and other competitions sanctioned by US Club Soccer shall establish their own protest and disciplinary committees and procedures, which must be approved by US Club Soccer at the time of sanctioning. Other than an allegation of referee assault or abuse, all protest and disciplinary matters arising out of these competitions may be heard by these committees. If the disciplinary committee fails to take any action on a written allegation, the petitioner may forward the matter to the US Club Soccer Discipline Committee.

(2) Penalties levied by a tournament disciplinary committee shall not extend beyond the tournament, other than the possibility of suspension from the same tournament in the future. The committee may file an Allegation of Misconduct with the US Club Soccer Discipline Committee if they believe other action may be warranted. All passes shall be returned to the team at the end of the tournament.

(3) The US Club Executive Director may take disciplinary action pursuant to Policy 9.03, but shall not have authority to hear Appeals.

(b) Level #2: US Club Soccer Discipline Committee.

(1) The US Club Soccer Discipline Committee shall be appointed pursuant to the Bylaws. It may hear Appeals from 102(a) actions or discipline levied by the Executive Director, hold original hearings on matters forwarded to them without action by a competition disciplinary committee or the Executive Director, may hold original disciplinary hearings based on an Allegation of Misconduct, and shall hear all charges of referee assault or abuse.

(c) Level #3: US Club Soccer Board.

(1) The Organization Board shall hear any Appeals from disciplinary actions or Appeal decisions of the US Club Soccer Discipline Committee, except for matters of referee assault or abuse, which are appealable directly to the USSF Appeals Committee.

(2) Pursuant to Bylaw VII, other than in the case of non-payment of dues and fees where a hearing is not required, any hearing to terminate an Organization Member shall be before the Organization Board.

### **Rule 103. General Procedures**

The following procedures shall apply to all levels of authority:

(a) Any hearing under these rules shall be the result of a written allegation, with an Allegation of Misconduct being the preferred format. No hearing shall result from circumstances which are only communicated orally.

(b) No person may sit on a hearing committee when any conflict of interest exists. Any such individual shall recuse himself from such committee. If a league or tournament authority has an institutional conflict of interest with the issue being adjudicated, then the matter shall be forwarded to the Discipline Committee.

(c) The hearing and adjudication of any written allegation should be completed within 30 days of its filing (however, a competition protest shall be heard as expeditiously as possible). If a decision is not reached within the 30 day period, the matter may be submitted by the petitioner to the next discipline level and any fee previously submitted shall be applied.

(d) The decisions and/or disciplinary sanctions imposed as the result of a hearing shall be binding on all disciplinary authorities, and shall be recognized by all US Club Soccer affiliated organizations.

(e) Official notifications and discipline decisions may be sent by certified or registered first class mail—return receipt requested, or by two day or overnight parcel service, to the address indicated on the Club registration or roster form, or on the petitioner's written allegation.

#### **Rule 104. Filing Requirements**

- (a) An Appeal or allegation shall be in writing and include:
- The nature and specifics of the complaint;
  - A list of the Bylaws, Policies, or rules that have been violated;
  - A statement of the requested result;
  - The applicable filing fee, if any.

(b) The written allegation, along with all supporting documents, shall be forwarded by Registered or Certified U. S. Mail--return receipt requested to the disciplinary committee set forth in the competition rules, or to the US Club Soccer Discipline Committee at:

716 8<sup>th</sup> Avenue North  
Myrtle Beach, SC 29577

(c) In the case of an Appeal to US Club Soccer, the Appeal must be placed in the mail and postmarked within 5 days of the receipt by the appellant of the decision being appealed (Sundays & -Holidays excluded), unless the rules of the competition state otherwise, and sent to the address in (b) above.

(d) Appeals and Allegations of Misconduct shall be submitted on the required form, although failure to do so shall not be fatal to the cause of action or rights of the

petitioner. An allegation of referee assault or abuse may be submitted on an Allegation of Misconduct form, a competition incident report, or a referee report.

(e) The schedule of filing fees and number of copies required are as follows:

(1) Competition disciplinary committee: The filing fee and number of copies shall be established by the competition authority.

(2) Appeal to the US Club Soccer Discipline Committee or US Club Soccer Board: Filing fee for an Appeal: \$200, and 5 copies of all relevant documents. If the Appeal is granted, the filing fee shall be returned to the appellant.

(3) Allegation of Misconduct to US Club Soccer: Filing fee of \$200 and 5 copies of all relevant documents.

(4) Allegation of referee assault or abuse: No fee and only the original report must be filed initially.

#### **Rule 105. Pre-hearing Procedures**

Upon receipt of a written allegation, the disciplinary committee or US Club Soccer Discipline Committee shall initially determine if the parties have standing and if the matter has been properly filed. It will also determine if it has the necessary information to adjudicate the matter, including contact names and addresses for official notifications, statements of fact, and relevant documents, and in the case of an Appeal the prior official document directory. The hearing committee may ask for additional information or clarifications, or may hold an initial conference among the parties to discuss procedural matters.

(a) In the case of an Appeal, all original copies of evidence submitted shall be retained by the disciplinary committee at which the evidence was first submitted. The official document directory submitted to the Discipline Committee in an Appeal shall be a true and exact copy of all original evidence submitted and accepted at the lower-level hearing. The directory shall be numbered, indexed, and signed as verified by the original hearing chairman and forwarded by certified mail, with a duplicate packet sent to the petitioner/appellant. In special circumstances, the Discipline Committee may require the original copy(s) of a specific document(s).

(b) The defendant in a disciplinary hearing shall receive a written notice of the charges and the possible consequences if determined to be true.

(c) The hearing committee shall establish a time schedule for the parties to provide a list of witnesses and copies of any evidence to be presented, which the committee then shall provide to the other party. The committee shall establish a time frame for the defendant or respondent to file a rebuttal to the charges, allowing a reasonable amount of time to do so, and an additional period for the appellant or petitioner to respond.

(d) The date for the hearing shall be published in a notice of hearing, and sent to all parties and hearing committee members. A reasonable time shall be allowed from the time of notice of the charges and the hearing date to allow for preparation, and the hearing shall be held at a time and place so as to make it reasonably practical for the defendant to participate.

## **Rule 106. Hearing Procedures**

(a) A closed hearing will normally be held in the case of an Appeal to the Disciplinary Committee, although the Committee may conduct a live hearing if it so chooses.

(b) An open hearing, in person, must be held in any matter before a competition disciplinary committee, and in the case of a Club Member termination. Other original jurisdiction hearings at the US Club Soccer Discipline Committee level may be in person or by teleconference.

(1) If by teleconference, the Committee shall assume the cost, and the connection must allow all parties to hear each other.

(c) At the original hearing on any issue, all documentary evidence such as player passes, team rosters, referee's game reports, letters, proof of age documents, photographs and other sources of written or printed information shall be original or official version only. No photocopies or other reproductions shall be acceptable without the prior written permission of the hearing chairman.

(1) A referee's game report is considered the official report of the game. The referee and/or assistant referee shall be present if a live, open hearing, or available telephonically if a teleconference, to answer questions at the hearing.

(d) Testimony shall be limited to the principle parties, eyewitnesses, and recognized authorities on the subject (such as a registrar on registration matters). Character witnesses and other third party witnesses shall not be allowed. The parties shall have the right to question each other's witnesses.

(1) A party may have the hearing recorded, but the hearing committee shall determine the method of recording and may charge parties a reasonable amount for a copy of such recording.

(e) Minors under the age of 18 must be accompanied by a parent or legal guardian.

(f) Testimony and the number of witnesses may be restricted with respect to time as stipulated in the notice of hearing sent to the principle parties.

(g) In the event of the defendant's inability, failure, or refusal to participate after being properly notified, the hearing authority may either reschedule the hearing or proceed with the hearing using the evidence on hand to render a decision.

(h) The order of testimony shall be:

- Petitioner presents case;
- Witnesses for petitioner called individually;
- Defendant presents case;
- Witnesses for defendant called individually;
- Recall any witnesses as necessary;
- Petitioner closing statement;
- Defendant closing statement.

(i) It is not the intention of the hearing to abide by strict rules of evidence as would occur in a court of law. The hearing chairman may exercise latitude in attempting to determine the facts of the case. The basic tenant to be followed is that each party shall be afforded an equal opportunity to present their case.

(j) Petitioners and defendants are allowed to remain in the hearing room or on the phone throughout the testimony phase of the hearing. They must be allowed to examine any and all documentary evidence presented and accepted at the hearing. Witnesses shall only be in the hearing room or on the phone when they testify.

(k) Copies of all written evidence that a party wishes to present shall be given to the hearing committee, defendant, and petitioner.

(l) All questions or statements from involved parties shall be addressed to the hearing chairman who will ask the appropriate individual for an answer or rebuttal if the chairman deems the question pertinent

(m) Witnesses may be recalled after initial testimony for further questioning and/or clarification of earlier testimony.

(n) An attorney or other advisor may counsel either party at a hearing; however, the advisor may not participate directly in the proceedings and will restrict his comments and advice to the party he is advising. An advisor may not question the witnesses, present oral arguments, or interrupt or object to the conduct of the proceedings. A disciplinary hearing is an administrative hearing, not a court of law. The hearing chairman may order an advisor out of the hearing room if he fails to properly conduct himself according to this paragraph.

(o) The hearing committee may also be advised by an attorney.

(p) No ex parte communication shall be allowed between a party and any person involved in making a decision or procedural determination except to provide explanations involving procedures to be followed.

(q) After the hearing, the parties shall be excused and the hearing committee shall commence its deliberations. The committee can choose to recess and meet during the hearing for a short period of time if it so chooses.

### **Rule 107. Decisions**

(a) The members of a hearing committee shall decide each issue arising from the hearing, but respond only to the specific issues and allegations contained in the written Appeal or allegation. Any other issue and/or rule violation, which may become known during the course of the hearing, shall be referred to the appropriate authority. This referral may be accompanied with a recommendation for appropriate action. Notice of the referral shall be included in the written decision.

(b) The hearing committee shall announce its decision in written form and provide it to the parties, if possible, within 72 hours of the conclusions of deliberations (Sundays and holidays excluded).

(1) Notification of the decision shall be communicated to the principle parties at the same time and by the same method, as set forth in Rule 103 (e) herein. It is recognized, however, that it may be prudent to also communicate the decision to the parties orally.

(2) In the case of competition disciplinary committee decisions, the decision shall also be sent to the US Club Soccer administrative office.

(c) Written notification of the decision shall include a statement of the procedure for Appeal.

### **Rule 201. Misconduct Towards A Game Official (Referee or Assistant)**

These rules shall be read in conjunction with Policies and Bylaws of U.S. Soccer, and in particular Policy 531-9 (definition, procedures, and penalties for abuse or assault) and Bylaw 705 (appeals). Misconduct against referees may occur before, during, and after the game, including travel to and from the game. Misconduct may also occur at later times when directly related to duties of a game official as a referee.

(a) When any affiliated player, coach, manager, assistant coach, club league official or game official allegedly assaults or abuses a referee, the original jurisdiction to adjudicate the matter shall vest immediately in US Club Soccer's Discipline Committee.

(1) When an allegation of assault is verified by the Organization, the accused shall be automatically suspended until the alleged assault is adjudicated.

(b) The Discipline Committee shall hold a disciplinary hearing within 30 days of the verification of an alleged assault. If the Committee does not adjudicate the matter

within that period of time, original jurisdiction shall immediately vest in the U.S. Soccer Appeals Committee to adjudicate the matter.

(1) Failure to hold the initial hearing shall not rescind the automatic suspension.

(e) Anyone who is found to have committed the assault or abuse may Appeal the decision directly to U.S. Soccer, pursuant to Bylaw 705, and the related Policies.

### **Rule 202. Reporting Referee Assault and Abuse**

(a) If procedures for the reporting of referee assault or abuse are not established by U.S. Soccer, the procedures herein shall apply.

(b) Referees shall transmit a written report of the alleged assault and or abuse within 48 hours of the incident (unless there is a valid reason for later reporting) to the Organization, utilizing either a referee's game report and supplemental report or a competition incident report. For tournaments or special events, the referee shall transmit a written report to the tournament director on the day of the incident. In determining which USSF affiliate organization to send the report to, the referee shall note which USSF affiliates' registration card was utilized during the game at issue.

(c) Upon any allegation of an assault on a referee or assistant referee, the original jurisdiction to adjudicate the matter shall immediately vest in the Organization, which shall inform the competition authority and request further information, if available.

### **Rule 203. Reporting Misconduct towards a Non-Referee**

When it shall be alleged that any US Club Soccer affiliated player, coach, administrator, or other Club personnel or fan has committed an assault upon another at any US Club Soccer sanctioned game or event, the league, tournament host Club, or other competition authority shall immediately notify the Organization within 72 hours of the alleged offense by completing a competition incident report. The Organization will determine whether to file an Allegation of Misconduct if one is not filed by another individual and refer the matter to the competition's disciplinary committee or the Organization Discipline Committee.

(a) Upon receipt of a competition incident report that an affiliated player, or coach, or administrator, or member, has committed an assault upon another, the adjudicating authority shall immediately suspend the accused individual(s). The disciplinary committee or Discipline Committee shall have full authority to assess penalties such as, but not limited to, suspension, revocation, or probation prior to a hearing.

(b) The definition of "assault" for this Rule shall include, but is not limited to the following act or acts committed upon an affiliated player, coach, administrator, member, or spectator at an affiliated game: the act of kicking, punching, choking, spitting on,

grabbing or bodily running into, the act of kicking or throwing any object at another player, coach, administrator, or spectator that could inflict injury or damage to said person or his/her personal property, i.e., car, equipment, etc.

(c) Disciplinary sanction or suspension, imposed as the result of an assault, shall remain in full force and effect and unless it is overturned on Appeal or review, regardless of the level at which it was imposed.

### **Rule 301. Exhausting Remedies**

No US Club Soccer sanctioned league, Organization Member, coach, administrator, team, referee, player, member or their representative may invoke the aid of the State or Federal courts without first exhausting the Organization's appeal rules, and any applicable U.S. Soccer Policies, including grievance and appeal actions. Any person invoking such aid shall be subject to the penalties cited below.

--Court costs.

--Attorney fees.

--Reasonable compensation for the time spent by Organization Officers and employees in responding to and defending allegations in the action, including responses to discovery court appearance.

--Travel expenses.

--Expenses for holding special Organization Board or Committee meetings necessitated by Court action.

### **Rule 302. Interference and Non-Participation**

(a) Any person who directly or indirectly attempts to threaten, dissuade, interfere, influence or impede any witness, petitioner or other party in connection with any disciplinary action or investigation is subject to the sanctions of probation, suspension, and fines.

(b) Any person who fails to appear after receiving a written notice to appear as a witness or as a defendant at a disciplinary hearing is subject to the sanctions of probation, suspension, and fines.