

**Massachusetts Youth Soccer Association
Member Organization (Towns/Clubs/Leagues)
Procedures for Disciplinary Actions and Appeals &
Grievances and Complaints and Appeals**

Mass Youth Soccer Association (hereafter referred to as Mass Youth Soccer) and its Member Organizations (hereafter referred to as Organizations) are obligated to follow the same or similar procedures as used by the highest body of our National Governing Body, US Soccer. Mass Youth Soccer have always administered the US Soccer Bylaws 701, 702 and 703 process for discipline and grievances and applied these at the state level with minor modifications. Mass Youth Soccer's Constitution states that the State Association follows the Bylaws and Constitution of US Youth Soccer and US Soccer (Federation). Mass Youth Soccer's Constitution (6.02) also states all Organizations, affiliated Leagues, and their teams and players, shall abide by the Constitution and Bylaws of Mass Youth Soccer, and the constitution and bylaws of USYS and USSF; all general procedures and specific rules as set forth by the Board of Directors, and all applicable rules and regulations of USYS and USSF.

Note: the following procedures

The following is to be used by member organizations to manage disciplinary actions and appeals.

Disciplinary Actions. Any person charged with violating the Constitution, Bylaws, general procedures, specific rules, and/or policy interpretation memoranda of the Member Organization (hereafter referred to as Organization), Mass Youth Soccer, US Youth Soccer, or USSF may be asked to appear before the Organization's Board of Directors or a designated committee of the Organization's Board of Directors, in order to explain his/her action(s). Failure to appear and cooperate with any investigation shall be grounds for immediate suspension and/or expulsion.

Any person may also be suspended as an outcome of a referee assault or abuse hearing, or as an outcome of any other type of disciplinary hearing held under the authority of the Organization.

Any person who is the subject of a disciplinary hearing may be suspended by the Organization conducting the hearing from the date written notification is given to such person until such time as the disciplinary hearing is held; provided, that the disciplinary hearing must be held within 30 calendar days of the date written notice is provided to such person.

If a player or coach is suspended by the Organization for a playing season (fall or spring) or longer, Mass Youth Soccer shall be notified, whereupon the Mass Youth Soccer's President shall appoint a three member panel of the Mass Youth Soccer Board of Directors which will review the suspension. The panel will offer its recommendation whether the suspension should be honored by Mass Youth Soccer and all Organizations and affiliated Leagues; if such is the panel's recommendation, then said suspension shall be honored by all Organizations and affiliated Leagues, and the Leagues Committee shall be so notified.

A plea of ignorance to the Constitution, Bylaws, general procedures, specific rules, and policy interpretation memoranda of the Organization, Mass Youth Soccer, US Youth Soccer, or USSF, is not sufficient and violators may expect appropriate action by the Board of Directors.

Suspension and Expulsion Process. Any person becoming the subject of any disciplinary action that could result in suspension or expulsion shall be given reasonable notice of the intended action and may make a statement to the Organization's Board of Directors, or a designated committee of the Board of Directors, before the matter is put to a vote; provided, if the subject matter of the contemplated suspension involves criminal charges, or if the Committee determines, by a vote of no less than 50% of its committee members, that the subject matter and/or conduct creates an extreme threat to the wellbeing and safety of the Organization's participants or its community, then such suspension may be effected immediately by the Organization's President, such suspension to continue subject to prompt ratification thereof by the Board of Directors.

After due consideration, the Organization's Board of Directors shall determine to suspend or expel such person only upon vote of two-thirds (2/3) of the Directors at a meeting duly called and held to consider such suspension or expulsion.

Appeal Procedures. All persons whom have been the subject of disciplinary, suspension or expulsion sanctions have the right to appeal the decision to the Organization. The Organization will not limit the right of a player, coach, team, etc., to appeal a decision to the Organization or next higher level.

An appeals panel shall consist of no less than three (3) members, unless otherwise required. The Organization's President, in consultation with the Appeals Committee chair, shall form panels as necessary. In the absence of an appointed Appeals Committee chair, the President shall form appeals panels as necessary and the panel shall designate a chairperson for the hearing.

All appeals and protests made to Organization shall be heard by the convened Appeals Panel.

The Appeals Committee shall hold a formal hearing to which all parties will have been notified and invited within twenty (20) business days of the committee's receipt of the written appeal and all supporting documentation. Appellate proceedings shall be held in executive session, limited to the panel and the parties, and witnesses (if any). The panel will determine its procedures, including whether to allow oral argument and, if allowed, it may set time limits. The panel may waive oral argument and decide the matter based solely upon the record and the parties' written arguments.

The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.

No new evidence may be presented unless circumstances have materially changed, or new facts are discovered that were unavailable at the time of the hearing from which appeal is being taken. In such cases, the panel may allow that such new evidence be presented provided all parties to the appeal have been given notice and are given an opportunity to respond to the materially changed circumstances or previously unavailable or undiscovered facts.

The Appeals Committee will render a decision in writing (electronic or paper) to all parties in the appeal no later than three (3) business days after the formal appeals hearing has been concluded.

If an appellant fails to submit arguments by the deadline for submitting appellant's arguments and no continuance has been granted by the panel, the appeal shall be considered abandoned. If oral argument is allowed and the appellant fails to participate in oral argument without excuse, the appeal shall be considered abandoned.

Any decision rendered by Appeals Committee may be appealed directly to Massachusetts Youth Soccer. See Massachusetts Youth Soccer Association Policies, Procedures and Regulations, Section 9.

No party to an appeal or protest may invoke the aid of the Courts of any State or of the United States without first exhausting all available remedies herein and within the rules and procedures established by USSF.

Procedures for Formal Complaints/Grievances

The following is to be used by member organizations to manage formal complaints and grievances.

Filings. The person(s) or organization filing the grievance should put together a complaint setting forth who their grievance is against, the complete factual circumstances that form the basis of the grievance, and the relief they are seeking. The grievance must be in writing (electronic or paper) and signed (electronic or "wet") by the person(s) or representative of the organization making the grievance. The grievance must also contain who (persons or organization) is being accused, a detailed explanation of the factual circumstances that form the basis of the grievance – each factual allegation should be set forth in separate paragraphs. Also it should include, if available, any the supporting documents or evidence

The complaint should be sent to the Member Organization where the basis for the complaint originated.

It is advised, but not necessary that the complaint should be sent by certified mail. A combination of electronic and certified is recommended.

Answer. Once the complaint is served on the member organization the complainant will be notified that the grievance was received. If the complaint is against any person or other organization than the member organization they will be provided with all documents submitted with the filed complaint. The member organization will convene a Hearing Committee of which no member(s) of such committee will have a conflict of interest regarding the nature of the complaint. The Chair of the Hearing Committee will conduct research/investigation into the basis for the complaint. This must be done within a reasonable time not to exceed 30 days. The complainant is afforded to be heard as a part of the research/investigation by the Hearing Committee. The hearing may be in person or over the phone based on the preference of the complainant and as the circumstance warrant.

Decision. The Hearing Committee Chair will issue a decision in writing (electronic or paper) within 5 days after the hearing.

Appeal Procedures. All persons whom have been the subject of a formal complaint or grievance have the right to appeal the decision to the Organization. The decision of the Hearing Committee may be appealed to the Member Organization's Board of Directors within ten (10) days of receiving the written decision. The Organization will not limit the right of a player, coach, team, etc., to appeal a decision to the Organization or next higher level.

An appeals panel shall consist of no less than three (3) members, unless otherwise required. The Organization's President, in consultation with the Appeals Committee chair, shall form panels as necessary. In the absence of an appointed Appeals Committee chair, the President shall form appeals panels as necessary and the panel shall designate a chairperson for the hearing.

All appeals and protests made to Organization shall be heard by the convened Appeals Panel.

The Appeals Committee shall hold a formal hearing to which all parties will have been notified and invited within twenty (20) business days of the committee's receipt of the written appeal and all supporting documentation.. Appellate proceedings shall be held in executive session, limited to the panel and the parties, and witnesses (if any). The panel will determine its procedures, including whether to allow oral argument and, if allowed, it may set time limits. The panel may waive oral argument and decide the matter based solely upon the record and the parties' written arguments.

The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.

No new evidence may be presented unless circumstances have materially changed, or new facts are discovered that were unavailable at the time of the hearing from which appeal is being taken. In such cases, the panel may allow that such new evidence be presented provided all parties to the appeal have been given notice and are given an opportunity to respond to the materially changed circumstances or previously unavailable or undiscovered facts.

The Appeals Committee will render a decision in writing (electronic or paper) to all parties in the appeal.

If an appellant fails to submit arguments by the deadline for submitting appellant's arguments and no continuance has been granted by the panel, the appeal shall be considered abandoned. If oral argument is allowed and the appellant fails to participate in oral argument without excuse, the appeal shall be considered abandoned.

Any decision rendered by Appeals Committee may be appealed directly to Massachusetts Youth Soccer. See Massachusetts Youth Soccer Association Policies, Procedures and Regulations, Section 9.

No party to an appeal or protest may invoke the aid of the Courts of any State or of the United States without first exhausting all available remedies herein and within the rules and procedures established by USSF.

The following is the recommended process Mass Youth Soccer uses when conducting a hearing or appeal. Any processes used by Mass Youth Soccer's Member Organizations which deviate from this recommendation must be submitted to the Mass Youth Soccer Executive Director for Mass Youth Soccer Board Committee approval.

Introductions and Complainant/Appellant Presentation

1. Five (5) minute introduction by the hearing chairperson with the introduction of the hearing/appeal panel. Each Principal will introduce any others there on their behalf.
2. The chairperson will review the format and answer any format related questions.
3. The person filing a complaint/appeal will have up to 20 minutes to present their case. The person may not have the entire period of time as the Panel may question them during their presentation asking for clarification or asking them to address points. The other party should not interrupt but may ask questions during their presentation - any interruptions by the panel or time for the other party to answer a question posed to them count against their time so clear presentations are advised to minimize the interruptions.
4. The chairperson will give a five minute warning and stop at approximately 17 minutes in to specifically ask the panel if they have any questions so as not to go over the allotted 20 minutes.

Opposing Party's Presentation

5. The opposing party to the complaint or appeal is given up to 20 minutes to defend themselves with the same parameters.

Rebuttals and Closing Statements

6. Each side has up to 10 minutes for rebuttal with the same rules as the first 20 minute session (5 minute warning and three minute to go query to panel).
7. Each side is provided up to 5 minutes uninterrupted to present their closing statements. The closing statements are not an opportunity to introduce more witnesses and testimony. This is only appropriate for the presentations and rebuttals so all should have their time well planned.

Summarization and Notifications

8. The chairperson will summarize and set expectations for the delivery of the decision. The hearing concludes and all but the panel is dismissed and the panel remains until a decision is made.
9. One member of the panel will write up the decision and circulate among the rest to obtain agreement that it is correct. The decision is released (electronic or paper) to the parties within 3 business days from the hearing conclusion. If for some unforeseen reason it will be delayed, the expected delay will be communicated.
10. If either party wishes to appeal the decision, the clock starts with the issuance of the hearing/appeal decision, not the conclusion of the hearing.

Each side may bring individuals to the hearing that may speak during their allotted time. Any written correspondence must have enough copies brought so everyone may have a copy to view and retain.