

## IYSA SOCCER POLICY 804-1

### I. **APPLICABLE BYLAW: Bylaw 804. Appeals Procedures**

### II. **POLICY 804-1**

#### **A. Appeals Committee and Appeals Panels**

The Chair of the Appeals Committee and its members shall be appointed by the President, subject to the approval of the Board of Directors. The Appeals Committee shall consist of at least five (5) members. To the extent possible, the Appeals Committee should include members from each IYSA District and should include members with coaching, officiating, administrative, and playing experience.

Three (3) members of the Appeals Committee shall constitute an Appeals Panel for the purposes of hearing and determining any appeal brought pursuant to Bylaw 804. In order to maximize the expertise of the Appeals Panel and to avoid conflicts of interest, the Chair of the Appeals Committee shall select the Appeals Panel as the need arises. The Chair shall designate one member of the Appeals Committee as Chairperson, who shall, among other things, be the member of the Appeals Panel responsible for ensuring that the appeal is heard and decided in a timely fashion.

#### **B. Jurisdiction**

The Appeals Committee shall hear and determine appeals from decisions of:

1. Organization Members where the complaint or decision involves an alleged violation of a rule, procedure, published policy or other requirement of IYSA;<sup>1</sup>
2. Individuals, committees, program directors, or other groups having responsibility for administering an activity conducted or sponsored by IYSA.

The Board of Directors shall hear and determine appeals from decisions of its District Commissioner(s) where the Board has referred disputes between Organization Members to the Commissioner(s) for original hearing and decision.

#### **C. Appeal Hearing**

Unless the Chair of the Appeals Committee or the Board of Directors otherwise direct:

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<sup>1</sup> Including applicable requirements of USSF, USYS, The Amateur Sports Act and USOC.

1. Appeals will be decided on the basis of the appeal record;
2. No additional evidence may be submitted;

**Exception:** Where there has been a material change of circumstances, or where new facts are discovered that were unavailable at the time of the original hearing, the Appeals Panel may allow that such new evidence be presented to it provided all parties to the appeal have been given notice and are prepared to respond to the materially changed circumstances or previously unavailable or undiscovered evidence.

3. No oral argument will be received;
4. Written argument (not to exceed five (5) letter-size pages, 12 point type, double spaced) may be submitted by the party appealing the decision. If the party appealing the decision elects to submit written argument, the opposing party may submit a written response (not exceeding five (5) letter-size pages, 12 point type, double spaced) within ten (10) days of being provided with a copy of the appellant's written argument.
5. The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.
6. The appeal may be heard in person or by telephone conference call at the Chair's direction; it shall be closed to the public.
7. After the appeal has been heard, the Appeals Panel shall render a final decision within ten (10) days of the completion of the appeal hearing.
8. The parties shall be given a copy of the written decision. The copy shall be delivered to the parties by the same means at their last known address. Acceptable means of delivery shall be telegram, certified or registered mail, Fed-Ex, or personal contact. Proof of receipt should be obtained whenever possible. Deposit of the decision for delivery to the parties shall be on the same date.

#### **D. Decisions Binding During Appeal**

Decisions rendered following a hearing are final and binding on the parties, and all members of IYSA, USYSA and USSF from the date the decision is issued. The filing of an appeal does not suspend the application of the decision.

A decision from which an appeal is taken may be suspended by the Appeals Panel only upon written application by the appellant which accompanies the Notice of Appeal and the finding by the Appeals Panel of good cause shown. Good cause shown may only be made upon a unanimous vote of the Appeals Panel and a written decision which specifically states that there is a strong likelihood of success upon the appeal and that circumstances are present which clearly show that the appellant will suffer irreparable harm unless the decision from which the appeal is taken is suspended pending the determination of the appeal. The decision of the Appeals Panel regarding suspension of the decision pending determination of the appeal shall be final and may not be further appealed.

#### **E. Further Right of Appeal**

Appeals from decisions of the Appeals Panel and/or IYSA shall be to USSF. Each final decision shall notify the parties that:

**You have the right to appeal this decision to the United States Soccer Federation, Inc. Appeals Committee within ten (10) days from the date of your receipt of the decision. A copy of U.S. Soccer Bylaw 705 outlining the appeals procedure is attached. Also attached is a Notice of Appeal Form. 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 Avenue, Chicago, IL 60616, together with the appropriate appeals fee of \$300 (cashier's check or money order made payable to: the United States Soccer Federation, Inc.). Also, 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 this State Association at the same time you send it to U.S. Soccer.**

#### **F. Certain Decisions Not Appealable**

No decision which arises out of the application of the rules of competition which is made in the course of the competition, and has no consequence beyond the competition as herein defined, shall be appealable. For the purposes of this policy, the term "competition" may include games, tournaments, league play or a regular season. Nothing herein shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution and Bylaws of the United States Olympic Committee ("USOC") relating to the opportunity of Athletes to participate in "protected competition" as defined in the USOC Constitution.