

## IYSA SOCCER POLICY 803-1

### I. APPLICABLE BYLAW: Bylaw 803. Hearing Requirements

### II. POLICY 803-1

This policy provides the minimum rights that each party must be afforded whenever it is alleged that there has been a violation of the bylaws, rules, procedures or requirements of IYSA or its members. These minimum rights apply to all original hearings conducted by IYSA and its members or other hearing body. A copy of these minimum rights should be delivered to the parties with the notice of the hearing.

1. **Written Complaint:** The hearing process must be initiated by a written complaint. The written complaint must include:

- A) The nature and specifics of the complaint, to include the date, time, location, and description of the event or incident.
- B) A listing of the rules, procedure or other requirements that have been violated.
- C) A statement of the desired resolution.
- D) Any required filing fee as established by the hearing authority.

2. **Preliminary Review:** Upon receipt of a written complaint, the hearing authority or its designee(s) shall, within forty-eight (48) hours, conduct a preliminary review to determine:

- A) Does the hearing authority have jurisdiction over the parties?
- B) Does the hearing authority have jurisdiction to determine the merits of the complaint?
  - 1) IYSA has exclusive jurisdiction to hear:
    - a. Complaints of misconduct toward game officials.<sup>1</sup>
    - b. Complaints of misconduct by game officials.<sup>2</sup>
    - c. Disputes between its Organization Members. Disputes between Organization Members may be referred to the District Commissioner(s) of the involved Organization Members for original hearing

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<sup>1</sup> See, U.S. Soccer Policy 531-9

- and determination.
  - d. Appeals from final decisions of its Organization Members where the complaint or decision involves a rule, procedure or requirement of IYSA, and from final decisions of its District Commissioners.
- 2) An Organization Member has jurisdiction to hear:
- a. Complaints of misconduct by its individual members, coaches, participants, spectators, administrators and volunteers, to include violations of the rules, procedures, or requirements of the Organization Member, IYSA, or other competition authority (e.g. tournament, league etc.)
  - b. Appeals from final decisions of its committees and administrators, and leagues or other competition authorities (including hosted tournaments where the tournament rules so provide) within its geographical boundaries.
    - C) Accepting the facts stated in the complaint as true, do they constitute a violation of the listed rules, procedure, or requirements of IYSA or the Organization Member?
- ) Does the complaint include a statement of the desired resolution?
- ) Is the complaint timely?<sup>1</sup>

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<sup>1</sup>Timeliness will vary depending on the conduct and circumstances. An unreasonable delay in reporting an alleged violation impairs the ability of the person named in the complaint to respond to the allegations and does not serve the interest of Youth Soccer. The nature of the conduct and the circumstances of any delay in filing of a complaint should be considered. Generally, misconduct occurring during a match should be reported within forty-eight (48) hours of the occurrence. Other misconduct or violations should be reported within ten (10) days of the occurrence or the date that the misconduct or violation is discovered. Except in the case of active concealment of wrongdoing, complaints of misconduct or violations filed more than thirty (30) days after the end of the season in which they occurred should be considered untimely.

- ) Has the required filing fee been paid?

If following the preliminary review, the hearing authority or its designee(s) finds that the requirements of this subsection have been met, the complaint shall be deemed properly filed. If the requirements of this subsection are not met, the complaint will be returned to the person lodging the complaint with a written explanation for its rejection, and where appropriate, with instructions for proper filing.

**3. Notice of Hearing:** If following the preliminary review, the hearing authority or its designee finds that the requirements of subsection 2 have been met, it shall provide written notice to each of the parties in the same manner and on the same date. The Notice of Hearing shall include the following:

- II. Notice that a complaint has been filed and accepted for hearing. A copy of the complaint and any supporting documents must be attached.
- III. A summary of the specific charges or alleged violations that will be considered at the hearing, with reference to the applicable rules, procedures, or requirements allegedly violated.
- IV. The date, time and place of hearing.
  - 1) The party charged has the right to have the hearing conducted at a time and place so as to make it practicable for him/her to attend.
  - 2) Unless the rules of competition or other extraordinary circumstances dictate otherwise, the party charged should be allowed 10-14 days to prepare a defense.
  - 3) The hearing must be held within thirty (30) days of proper filing of the complaint.
- V. The rights of the parties, including the right to:
  - 1) A disinterested and impartial body of fact-finders;
  - 2) To have the assistance of another person of their choosing in the presentation of their case;
  - 3) To call witnesses, to present oral and written evidence, and to present argument in support of their case;

- 4) To confront witnesses, including the right to be provided with the identity of the witnesses in advance of the hearing;
- 5) To have a record made of the proceedings if desired;
- 6) To receive a written decision with reasons for the decision, based solely on the evidence of record, in a timely fashion; and
- 7) To equal rights of communication with the hearing authority.
  - a. All notices must be served on the parties in like manner and on the same date;
  - b. No ex parte communication is permitted between any party and the hearing authority except to provide explanations involving procedures to be followed.

VI. The procedures to be followed in conducting the hearing, including:

- 1) Whether the hearing will be in person or via telephone conference;
- 2) Any limitation on the number of witnesses which may be called by each side (any such limitation shall be equal);
- 3) The deadline by which witness names must be disclosed to the opposing party;
- 4) The deadline and procedure for submission of written documentation to be considered;
- 5) Whether written witness statements will be accepted, and if so, any restrictions or special requirements (e.g. number, verified, length);
- 6) Any time limits to be imposed on presentation of evidence (any such limitation shall be equal);
- 7) Whether any person assisting a party at the hearing will be allowed to question witnesses or speak on behalf of the party;
- 8) The order of receiving evidence (the party filing the complaint followed by his/her witnesses; the party named in the complaint followed by his/her witnesses; rebuttal by each party if allowed);

- 9) Witnesses other than the parties will be excluded from the hearing except when providing testimony. Any witness that is a minor will be accompanied by an adult of his/her choice; and
- 10) The date upon which a decision of the hearing authority should be anticipated.