

**Article 1. Introduction**

This document defines the procedures for Protest, Appeals, and Disciplinary (PAD) actions associated with Union City Youth Soccer League and UC Premier (collectively “UCYSL” or “the Club”). These procedures are based on practices defined by NorCal Premier Soccer and CalNorth (CYSA-N).

**Article 2. Definitions*****Section 2.01 Disciplinary Hearing***

Hearing conducted to investigate and make decisions concerning allegations of misconduct. Such misconduct may be a violation of a published rule, regulation or procedure, may involve behavior disrespectful to UCYSL or its affiliated members, or a violation of legal requirements either civil or criminal, including failures to adhere to legally recognized standards of care. Hearings are where evidence, either by documents or by testimony, is received and considered.

***Section 2.02 Protest***

Related to actions in a specific game or an administrative decision. It must be filed by one of the involved team officials in the specific game or by an individual directly affected by the administrative decision. It must be in accordance with the protest procedures of the competition or of UCYSL.

***Section 2.03 Appeal***

Arise as a result of an adverse decision from a disciplinary hearing or protest. Only those parties involved in the original hearing shall be allowed to appeal and the only evidence that may be considered is the evidence presented at the original hearing. The original decisions shall stay in force pending the result of the appeal.

***Section 2.04 Grievance***

Complaint that is not specific to the Laws of the Game or does not otherwise fall under the Protests, Appeals and Disciplinary Rules and Procedures. It may be heard informally by the appropriate authority.

**Article 3. Disciplinary Proceedings*****Section 3.01 Initiation of Disciplinary Proceedings***

Disciplinary hearings may be initiated as a result of evidence received from any source, including other hearings, legal action, official game reports or from letters written by administrators, referees, coaches, parents, spectators, or players. Official filings involve submission of the “Notice of Filing to the UCYSL PAD Committee” and/or a letter/written statement outlining the allegation(s) of misconduct. The filings must include the identities of the

parties involved, detailed description(s) of the alleged violation(s) and must cite the rule(s) or standards that have been allegedly violated. Failure to include these requirements may result in the disciplinary hearing being delayed or not considered. E-mail are not acceptable as official requests for disciplinary hearings, unless content is submitted in a pdf format.

### ***Section 3.02 League and Tournament Discipline***

Send-offs and incident reports for affiliated leagues (for example, NorCal Premier and CalNorth) and participating tournaments shall follow the league's or tournament's PAD processes and disciplinary guidelines. Send-offs and incident reports shall be referred to the UCYSL PAD committee for possible additional investigation and sanctions.

### ***Section 3.03 Sanctions Prior to Disciplinary Hearing***

The Executive Board of UCYSL may suspend any person or team prior to the commencement of a disciplinary hearing if, in the opinion of the Executive Board, there is sufficient evidence to believe that the individual(s) or team may present an unacceptable risk to the Club and its members

## **Article 4. Protest Proceedings**

### ***Section 4.01 Description***

Protests are related to actions in a specific game. It must be filed by one of the involved team officials in the specific game. It must be in accordance with the protest procedures of the competition or of UCYSL. The right to protest must be exhausted within the rules of that competition before being appealed to a higher authority. Protests arising from any Cup, Tournament or League game shall first be determined by the PAD Committee of the competition as outlined by that competition's rules.

### ***Section 4.02 Initiation of Protest Hearing***

Protests are filed by an involved team official. Official filings involve submission of the "Notice of Filing to the UCYSL PAD Committee" and/or a letter/written statement describing the grounds for the protest including the specific rule or policy that the protester alleges is being violated or misapplied. All supporting documentation must be included.

The notification must be accompanied by a filing fee of \$50. The protest filing fee shall be returned if the protest is approved. The fee shall be retained if the protest is denied, unless the decision is overruled by a higher authority.

Failure to fulfill these requirements shall result in the protest hearing being delayed or not considered. E-mails are not acceptable as official requests for protest hearings.

**Article 5.     PAD Committee*****Section 5.01     PAD Committee Composition***

The PAD Committee shall be comprised of the Vice President (who shall act as the Chair), Director of Coaching, and Referee Coordinator.

The members of the Committee shall have no conflict of interest in the matters being heard and no association with the principal parties in the matters. If one of the PAD Committee members has a conflict in a particular action, he/she shall be recused and the Club Executive Board shall select a replacement.

**Article 6.     Hearing Procedures*****Section 6.01     Rights of Parties***

All parties in UCYSL PAD hearings shall be accorded the following:

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 that appear at the hearing;
8. the right to have a copy of the 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.

***Section 6.02     Scheduling and Notification of Hearing***

Once a filing has been reviewed and validated (principal parties identified, time limits confirmed and filing requirements satisfied), the Chair shall:

1. Schedule the hearing.
2. Notify all principal parties involved including the appropriate authorities of the hearing date, time and location in writing by certified / return receipt mail.
3. Request confirmation of attendance at the hearing from the principal parties involved.

4. Present the basis for the complaint (e.g., specific rules) and the alleged violations.
5. Describe the possible penalties if the allegations are determined to be true.
6. Outline the procedures to be followed during the hearing.
7. Request that any additional written documentation from either party be submitted prior to the hearing.
8. Provide contact information for questions.

The hearing should be scheduled within thirty (30) days of validation of the filing.

### ***Section 6.03 Use of Courts and Attorneys***

In the matter of protests, appeals and disciplinary hearings, no person(s) may invoke the aid of the courts of any state or of the United States without first exhausting all available remedies within NorCal Premier, US Club Soccer, US Youth Soccer Association, and the US Soccer Federation (“the sanctioning organizations”) including a final appeal to the USSF Council at the Annual General Meeting. Violation of this rule shall result in the offending party(s) being subject to suspension and fines. They shall be liable to the appropriate sanctioning organization for all expenses incurred by the sanctioning organization in defending each court action, including but not limited to the following:

1. Courts costs and attorney fees.
2. Reasonable compensation for time spent by the sanctioning organization officers and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances.
3. All expenses including those incurred from holding special sanctioning organization meetings necessitated by the court action.

During hearings, an attorney may advise their client but may not participate directly in the proceedings and shall restrict their comments and advice to their client. The attorney shall not question witnesses, present oral arguments, interrupt or object to the conduct of the proceedings. The PAD Chair may order the attorney out of the hearing room if he or she fails to properly conduct themselves according to these rules.

Protests, appeals and disciplinary hearings are administrative hearings and not a court of law. All federal, state and local Rules of Evidence or Civil Procedure shall not be applicable.

### ***Section 6.04 Hearing Format***

Each party shall be accorded the opportunity to present an opening statement concerning their case. The PAD Committee shall then ask questions of the parties. Each party shall be allowed to ask questions of the other party through the Chair if deemed pertinent. Each party shall then be accorded the opportunity to present a closing statement concerning their case. The parties shall then be excused and the PAD Committee shall deliberate in private.

**Section 6.05 Evidence and Testimony**

Written evidence shall be submitted prior to all hearings and available for all parties involved to review. Identifying information (addresses and telephone numbers) shall be removed from the written evidence that is supplied to the involved parties. The Chair of the PAD Committee may limit attendance at hearings to the principal parties, witnesses and recognized authorities concerning the allegations or previous findings. Verbal testimony must follow the rules outlined for the particular proceeding. All individuals have the right to question their accusers through the PAD Chair. All questions or statements from involved parties shall be addressed to the PAD Chair, who shall ask the appropriate individual for an answer or rebuttal if the PAD Chair deems the question to be pertinent.

Audio or video tapes may be accepted by the committee and copies must be made available for all principal parties and the committee. These copies shall NOT be returned. Documents not submitted in English shall not be considered as part of the official record unless accompanied by a certified translation. No PAD should undertake nor be responsible for translating non-English documents.

**Section 6.06 Record of Proceedings**

All hearings shall have an official record generated and maintained for the proceedings. Electronic recording or written notes may be kept. No one other than the designated PAD Committee recording member shall be authorized to make any audio or video recording of the hearing. A transcript may be prepared upon the request of any party at the expense of the requestor, provided that arrangements for recording of the hearing are made with and approved by the chair prior to the hearing.

**Section 6.07 Minors**

Minors under the age of 18 years should be accompanied by a parent or legal guardian.

**Section 6.08 Communication**

The appropriate method of communication for hearing notification and decisions shall be with certified / return receipt mail. Notification by email must include a "read receipt" notification.

**Section 6.09 Decision Notification**

Within seven (7) days, the Chair must mail to all parties the findings and decisions of the Committee. All correspondence should be by certified / return receipt mail. The decision notification letter shall:

1. Notify all principal parties involved including the appropriate authorities of the decision.
2. Present the basis for the complaint.
3. Describe the findings of the Hearing Panel and the basis for their decision.

4. Outline the penalty (if applicable) including a detailed description of the penalty, length of the penalty and probation (specific dates).
5. Provide specific information concerning the process of appeal (who and where to send the appeal, the appropriate fee and the deadline for submitting the appeal).
6. Provide contact information for questions.

### ***Section 6.10 Decision Implementation***

The decision of the PAD Committee in the action regarding sanctions shall take effect immediately upon the conclusion of the Committee's deliberation.

## **Article 7. Sanctions**

Sanctions may be applied as a result of a disciplinary hearing or appeal. A sanction may involve a player, coach, spectator, and/or team. The PAD Committee, at its discretion and based upon a review of the circumstances and severity of an incident, may choose to apply additional sanctions beyond those determined by league and/or tournament officials.

### ***Section 7.01 Suspension***

The term of suspension for disciplinary reasons involving a player, coach or individual shall begin immediately and include the next UCYSL associated competition (i.e. League, Tournament, or Cup event). The suspension shall be continued until the term of suspension has been completed. Friendly games and scrimmages shall not be credited toward fulfillment of the suspension requirements. Any disciplinary action shall carry over from seasonal year to seasonal year.

Coaches of multiple teams must serve their suspension with the original team that they incurred the suspension. They may not coach any of their other teams until their suspension with the original team has been served. If they cannot complete their suspension with the original team, their term of suspension shall be reassigned to their next team as determined by UCYSL.

### ***Section 7.02 Probation***

The PAD Committee may place an individual on probation in addition to their suspension. The probationary period may exceed a period of time longer than the length of the suspension. The probationary period is to be served immediately following the suspension and is intended to monitor an individual's degree of reformation. An individual or team that violates their probation during the probationary period shall be immediately suspended and a disciplinary hearing shall be scheduled.

**Section 7.03 Termination from Club**

In cases of severe misconduct, the PAD Committee may render a termination decision against a player, coach, spectator, or team. In this case, all rights and privileges associated with UCYSL membership shall be revoked.

In the case of player termination, any fees paid by the player for UCYSL membership shall be forfeited.

In the case of team termination, any fees paid by the team for UCYSL membership shall be forfeited and the team members shall be responsible for any sanctioning organization fines due to withdrawal of the team from previously committed competitions (e.g., league, Cups, tournaments).

**Section 7.04 Failure To Adhere To Sanctions**

If it is determined that an individual or team has failed to adhere to the terms of a sanctioning decision, the matter shall be referred to the PAD Committee for additional actions including termination.

**Article 8. Appeals****Section 8.01 Appeals of PAD Committee Decision**

The decision of the PAD Committee in an action may be appealed to the UCYSL Board to render a final decision if the following conditions are met:

1. A written notification to the Club Secretary is received within seven (7) days of the PAD Committee's decision in the action.
2. The written notification is accompanied by a fee of \$50. The appeal application fee shall be returned if the appeal is upheld by the Board of Directors, or if the decision is over-turned by a higher authority.

If the above conditions are satisfied, the UCYSL Board shall consider the appeal at its next regular meeting or at a special meeting called by the Club President at his/her discretion:

1. Any Board members that have conflicts of interest as described above in the section "Composition of PAD Committee" shall be recused from the appeal hearing.
2. The original decision of PAD Committee shall remain in force during an appeal process.
3. The Hearing Procedures described above apply to the Appeals Hearing with the Board acting as the PAD Committee and the Club President acting as PAD Committee Chair.
4. The decision of the Board on an appeal is final.