

## Policy 701-1      GRIEVANCES, PROTESTS AND APPEALS

### Section 1. Purpose

- A. The purpose of this policy is to provide fair and uniform procedures for conducting hearings and any appeals that arise from such hearings.
- B. Association staff will maintain a Grievance, Protest, and Appeal Manual (GPA Manual) that provides detailed procedures for initiating and adjudicating grievances, protests, administrative claims, disciplinary matters, and any appeals from hearing decisions.
- C. The procedures specified in this policy and in the GPA Manual will apply to all proceedings conducted by the Association, except as specified.
- D. The procedures established in this policy for notice, impartiality, and opportunity to appear shall be considered minimum standards for hearings and appeals conducted by member clubs of Oregon Youth Soccer.
- E. This Policy and the GPA Manual do not apply to Risk Management decisions nor to any appeals allowed under the provisions of Policy 801-1.
- F. Disciplinary hearings involving claims of Referee Assault or Referee Abuse shall only be heard by the Association.

### Section 2. Definitions.

**Administrative Claim:** a claim by a member of an organization that the organization has failed to apply, misinterpreted, or otherwise improperly applied a specific bylaw, policy, or other rule of the organization resulting in specific harm to the member making the claim. Administrative claims against the Association may only be made on behalf of an OYSA member club in good standing by a duly elected official representative of such member club.

**Appeal:** a review of an official decision made by a hearing committee. Only the parties to the hearing, who are adversely affected by the decision, may appeal. An appeal shall not have the effect of "staying" a previous ruling. Previous decisions remain in force, pending the result of the appeal.

**Association or OYSA:** Oregon Youth Soccer Association

**Disciplinary Hearing:** a hearing to adjudicate an allegation of misconduct against an individual or entity within the jurisdiction of the convening authority. Only elected and/or appointed officials of duly constituted clubs, leagues, tournament committees, or OYSA staff may bring charges of misconduct. Referees are recognized as officials of such organizations in matters regarding game misconduct.

**Event Participants:** are the teams entered in a particular competition. Any notices sent to participants shall be sent to the team coach, manager, or other person designated by the team upon entering the competition in the manner specified in the rules of the competition.

**Federation:** the US Soccer Federation

**Grievance:** a complaint of a general nature, which is not based upon a specific rule violation, or upon a specific administrative decision (or lack of decision). Grievances may be heard on an informal basis by the appropriate authority.

**Hearing Committee:** an adjudicating body established for the purpose of hearing an administrative claim, protest, or disciplinary matter, including a panel convened to hear an appeal. The chairperson of a hearing committee shall be familiar with the policies and procedures which apply to the subject matter of the hearing.

**OYSA Hearing Committee Pool:** a group of potential committee members composed of one representative from each OYSA member club. The club's representative shall be the club president or designee.

**Protest:** a claim related to a specific competition, filed by a rostered official of one of the teams entered in the competition. Only a duly rostered official of a team playing a match may protest the results of a match. Third parties, such as coaches from other teams or club, league, or state administrators, cannot file protests concerning any specific game.

### **Section 3.** Minimum Standards

- A. Hearings upon any grievance, administrative claim, protest, disciplinary hearing, or appeal from the results of a hearing will be conducted only on the basis of a written document submitted in compliance with the GPA Manual.
- B. The Association shall maintain records of all matters submitted to it under this policy, including copies of all documents submitted as a part of the record for a hearing or appeal.
- C. Association staff will ensure compliance with the requirements of the GPA Manual for matters submitted to the Association. Member clubs are responsible for compliance with the GPA manual for matters initiated with the club.
- D. Hearing procedures at all levels (club, league, and state association) must provide a fair process and shall include:
  1. Proper notification to the opposing party that clearly states:
    - a. The conduct that is the subject of the hearing

- b. The possible sanctions that may be imposed as a result of the hearing
    - c. The rule or policy that is involved
    - d. If a hearing has been set, a clear statement of the date, time, and location of the hearing
  - 2. A reasonable opportunity to respond. In order to meet this standard, the original notice must state
    - a. The time within which a response is required
    - b. Information regarding the type of response that is required and
    - c. Directions regarding where to submit any response
  - 3. At the original hearing level, a party has the right to an open hearing at which the principal parties and witnesses are present either in person or telephonically, evidence is presented, and persons are asked and able to answer questions.
- E. A Hearing Committee for original proceedings shall create a written record which will be the official record of the proceedings.
  - 1. At a minimum, the official record shall contain:
    - a. The original document that initiated the hearing
    - b. Any written response to the original claim
    - c. Any documents submitted by any of the parties in the course of the proceedings
    - d. A statement of the facts determined by the committee in reaching its decision
    - e. A statement of the decision
  - 2. If there is an appeal of the decision, the official record will be delivered to the hearing committee convened for the appeal.
- F. Whenever a Disciplinary Hearing may result in a sanction that will have the effect of denying a person's right to participate in the activities of the Association or a member club, the organization conducting the hearing shall also comply with the requirements of US Soccer Federation Bylaw 701. Section 1. Those requirements include:

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, including the right to be provided the identity of witnesses in advance of the hearing;
  8. The right to have a record made of the hearing if desired;
  9. A written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion;
  10. Notice of any substantive and material action of the hearing panel in the course of the proceedings; and
  11. Quality concerning communications, and no ex parte communication is permitted between a party and any person involved in making its decision or procedural determination except to provide explanations involving procedures to be followed.
- G. Appeals will be determined on the basis of the facts stated in the official record of proceedings at the hearing being appealed. An appeal panel will not take additional evidence from the participants in the prior proceeding unless the appeal committee makes a specific finding that the record is inadequate and the interests of a fair determination of the issues require an immediate hearing to determine the facts that affect the subject of the hearing.
- H. Original hearings shall take place not more than 30 days after the submission of the document initiating proceedings, unless the hearing committee and all parties to the hearing agree on a later date.
- I. The hearing committee shall deliver its written decision to all parties not later than 7 days following the completion of the hearing.

**Section 4. OYSA Hearing Committee Pool**

- A. Every Oregon Youth Soccer Association member club shall provide one representative to serve in the OYSA Hearing Committee Pool. That representative shall be the club's president unless the club designates another person.
- B. A member of the Hearing Committee Pool shall not be required to serve on more than one Hearing Committee during a seasonal year, unless no other qualified person is available to serve on a particular committee.

**Section 5. OYSA Hearing Committees**

- A. Any hearing conducted by OYSA shall be heard by a committee drawn from the OYSA Hearing Committee Pool by the OYSA Vice-president for the purpose of adjudicating that particular matter.
- B. Members of an OYSA Hearing Committee must be impartial. To maintain that impartiality, a person may not be a member of a committee if:
  - 1. A party to the hearing is the person's current or former club or a member of the person's current or former club
  - 2. A party to the hearing has a family, business, or personal relationship to the person
- C. OYSA Hearing Committee members may participate in hearings by conference call and will be offered the opportunity to participate by conference call when attendance at a hearing would require one-way travel of more than 50 miles. Committee members who attend a hearing in person will be reimbursed for their mileage expense at the same rate used by OYSA for its staff coaches.
- D. The Vice President, or the Vice President's designee, will chair hearings of an OYSA Hearing Committee and may participate in deliberations, but will not vote in the committee's decisions.

**Section 6. Jurisdiction**

- A. **LEVEL 1: Sanctioned Tournaments, Sanctioned Leagues, and Member Clubs**
  - 1. Sanctioned Tournaments and Leagues.
    - a. As used in this section, the term "event director" refers to the individual who has final authority to manage the operations of a sanctioned tournament or league.

- b. Rules of Competition (Rules) must be in writing and must be distributed to event participants not later than the date of registration.
- c. The event director specified in the Rules shall have authority to hear original protests, administrative claims, and allegations of misconduct arising from the event.
- d. The procedures for filing protests and conducting hearings shall be specified in the Rules for the event.
- e. Unless the Rules specifically provide a different procedure for hearings, the event director will hear all claims arising from the event, and the decision of the event director will be final.
- f. There shall be no right to appeal from the decision of the event director unless the Rules specifically state a right to appeal and provide procedures for an appeal.
- g. The event director's authority to impose sanctions is limited to the operations and duration of the event.
- h. The event director may not impose any sanction that bars participation in the event that extends beyond the current session or season for the event unless the Rules provide for a right to appeal.
- i. If the event director believes that a claim of misconduct involves actions that merit discipline beyond the end of the event, the director shall refer the claim to the appropriate authority:
  - (1) In the case of an individual or team, to the club of which the individual or team is a member.
  - (2) In the case of a club, to the Association.
  - (3) If the claim involves a member of a State Association other than Oregon Youth Soccer Association, the claim shall be referred to the Association for transmittal to the appropriate State Association of which the offending party is a member.
- j. Any claim that a player, coach, manager, club official, or game official has assaulted or abused a referee shall be promptly referred to the Association.
  - (1) If the alleged offender is not a member of Oregon Youth Soccer Association, the event director for a tournament may conduct an immediate fact finding hearing as specified in USSF Policy 531-9. Section 4.(B)

- (2) The findings of any such hearing shall be promptly provided to the president of the offender's home State Association, both orally and in writing, as well as to OYSA.
- k. Any claim that a spectator has abused or assaulted a referee may be heard by the event director.
- (1) Sanctions imposed by the event director on a spectator may not extend beyond barring the person from attendance at the remainder of the current session or season of the event.
  - (2) The tournament director shall refer the matter to the Association for possible additional sanctions.
  - (3) The tournament director may also refer claims of referee assault to appropriate legal authorities for further proceedings.

## 2. Member Clubs

- a. Member clubs shall have sole authority to hear general grievances against the club brought by members of the club.
- b. Member clubs shall have authority to hear original protests for leagues and competitions that it sponsors, administrative claims brought by an individual against the club or an official representative of the club, and disciplinary matters involving members of the club.
- c. Member clubs may hear appeals of decisions made by directors or officers of their organizations.
- d. Member clubs shall establish their own protest, appeal, and disciplinary hearing procedures.
  - (1) Such procedures must be in a written policy that has been formally adopted by the club in accordance with its bylaws.
  - (2) These procedures must be published by the beginning of the seasonal year (September 1) in which they become effective.
  - (3) Club procedures must include a right to appeal to higher authorities and the procedure for doing so.
    - (a) A member club need not provide for appeal of protests arising from club sponsored leagues or tournaments if those competitions are sanctioned by OYSA and the club has written league and or tournament rules that give authority to a league director or tournament director to make final decisions about protests as specified in Policy 701-1. Section 6.A.1. Any appeal provided by the club is limited to a final determination within the club.
    - (b) The club is not required to provide for an appeal within the club of a hearing on a general grievance so long as the hearing is conducted by the club's Board of Directors or a committee made up of Board members established in

accordance with the club's bylaws and policies. Decisions on a general grievance made by a club's Board of Directors are final.

- (c) Decisions on administrative claims involving compliance with a club's bylaws, policies, or written rules are subject to appeal to OYSA.
  - (d) Decisions in disciplinary hearings that involve termination or suspension of an individual club member's right to participate in the activities of the club beyond a specific competition are subject to appeal to OYSA.
- e. Hearings conducted by the club:
- (1) Shall be in compliance with the minimum standards provided in Policy 701-1. Section 3.
  - (2) Shall apply the rules of procedure provided in Policy 701-1 and the OYSA GPA Manual.
  - (3) May apply additional procedures only where those procedures are specified in a written policy that has been formally adopted by the club in accordance with its bylaws.
- f. Any claim that a player, coach, manager, club official, or game official has assaulted or abused a referee shall be referred to the Association.
- g. Any claim that a spectator at an event under the direction of the club has abused or assaulted a referee may be heard by the member club.
- (1) If the spectator is not a member of the club
    - (a) Sanctions imposed on a spectator may not extend beyond barring the person from attendance at matches hosted by the club during the remainder of the current competition, unless written club policy allows additional sanctions.
    - (b) Any sanction imposed beyond barring the spectator from attendance at matches hosted by the club during the remainder of the current competition is subject to appeal to OYSA.
    - (c) If the club believes that the spectator's actions warrant further discipline, the club may refer the matter to the club at which the spectator is a member.
    - (d) The club may refer the matter to the Association for possible additional sanctions.
  - (2) If the spectator is a member of the club
    - (a) Sanctions may be imposed up to and including termination of the person's membership in the club.
    - (b) Any sanction imposed beyond barring the person from attendance at matches during the remainder of the current competition is subject to appeal to OYSA.

- (3) The club may also refer claims of referee assault to appropriate legal authorities for further proceedings.

**B. LEVEL 2: Oregon Youth Soccer Association.**

1. An OYSA Hearing Committee shall hear any claims of referee assault or abuse that arise from a match involving OYSA member teams regardless of the state where the offense occurs.
  - a. Referee Assault and Abuse have the meaning defined in USSF Policy 531-9, Section 3.
  - b. If the committee finds that any player, coach, manager, club official, or game official has committed Referee Assault or Referee Abuse, the committee shall impose the sanctions specified in USSF Policy 531-9, Section 5. and may impose additional sanctions if it finds such additional sanctions to be warranted
  - c. If the assault or abuse was committed by a spectator, the committee shall prohibit the person from attendance at any event involving OYSA member teams for a period not less than is specified in USSF Policy 531-9, Section 5. and may impose additional sanctions if it finds such additional sanctions to be warranted.
  - d. A person who is found to have committed Referee Assault or Abuse may appeal to the US Soccer Federation as provided in USSF Bylaw 705.
2. An OYSA Hearing Committee shall hear any Administrative Claims in which a member club alleges that the Association or its staff has violated specific provisions of OYSA bylaws, policies, or procedural manuals.
  - a. Administrative Claims against the Association or its staff may only be submitted by a duly elected officer of a member club in good standing.
  - b. Decisions by the committee on administrative claims are final.
3. An OYSA Hearing Committee may hear initial protests arising from a match in an OYSA sponsored league or tournament unless the rules of competition for the event in question grant that authority to the league director or tournament director.
  - a. If the rules of competition grant the event director authority to decide protests, the decision of the event director shall be final and shall not be considered by an OYSA hearing committee

- b. If the rules of competition give authority to hear protests to an OYSA hearing committee, the decision of the committee is final and not subject to appeal.
  - c. Protests regarding matches in the Oregon State Cup that are part of the US Youth Soccer National Championships competition
    - (1) May be heard by a hearing committee unless the rules of competition give the tournament director authority to decide protests
    - (2) Decisions on protests of State Cup matches are final and not subject to appeal, as provided in US Youth Soccer Policy on US Youth Soccer National Championships 2008-2009 Rule 226. Section 6.
4. An OYSA Hearing Committee shall conduct initial disciplinary hearings upon any claim of misconduct involving an individual member of the Association Board, staff, coaching staff, ODP coaches, players, managers, team officials, or game officials.
- a. Claims of misconduct against any of the persons identified in the preceding Section 6.B.4. must be originated by Association staff, although the complaint of misconduct may be presented to the Association by a representative of a member club or by an individual.
  - b. The detailed procedures for initiating disciplinary proceedings are provided in the GPA Manual.
  - c. A hearing committee may impose sanctions that include suspension from participation in the activities of the Association or its teams.
    - (1) A hearing committee may not impose a sanction of removal from elective office in the Association, although it may report to the Board on its findings and recommend that the Board take action to remove an officer or director.
    - (2) A hearing committee may not impose a sanction that terminates an individual's employment status with the Association, but it may report its findings to the Association with a recommendation that the Association take personnel action involving the individual.
  - d. Sanctions that suspend a person's right to participate in the activities of the Association as a player, coach, manager, or other team official may be appealed to the appropriate authority.
5. An OYSA Hearing Committee shall hear disciplinary matters concerning individual club members referred to the Association by the event director of a sanctioned tournament or league when the referring agency alleges

that the misconduct requires a sanction that exceeds the authority of the event director to impose.

- a. Any hearing conducted on such a referral will be conducted as an initial hearing
  - b. The Hearing Committee shall make its own determination of the facts based on the evidence presented to it
  - c. The referring event director may be allowed to present arguments supporting sanctions that exceed the referring agent's authority
  - d. If the Hearing Committee imposes a sanction that causes a suspension or denial of the defendant's right to participate in the programs of Oregon Youth Soccer or any of its member clubs for a period longer than the duration of the tournament or league season in which the misconduct occurred, the decision is subject to appeal to the Federation in accordance with USSF Bylaw 705.
6. An OYSA Hearing Committee shall hear appeals from decisions by Level 1 authorities when such appeals are allowed.
- a. Appeals will be decided on the record submitted to the Hearing Committee.
  - b. A Hearing Committee that is considering an appeal shall not accept new evidence unless
    - (1) The committee specifically finds that the record on appeal is inadequate to determine the issues on appeal and
    - (2) The committee specifically finds that the interests of justice require a prompt resolution that cannot be met by remanding the matter to the original hearing body.
  - c. Any appeal filed with the Association must comply with the specific procedures contained in the GPA Manual
7. An OYSA Hearing Committee may hear disciplinary matters brought by the Association alleging that a club is in violation of its obligations as a member club of the Association.
- a. Any such hearing shall be charged with determining whether the allegations are true
  - b. The hearing committee shall report its findings to the Association Board

- c. Any sanctions imposed on a club found to be in violation of its membership obligations shall be determined by the Association Board.
- 8. An OYSA Hearing Committee may hear a complaint by a member club alleging that:
  - a. Another club is in violation of its obligations as a member club of the Association.
  - b. Detailed procedures for the handling of such a complaint are in the GPA manual.
  - c. The decision of a Hearing Committee in such a proceeding may be appealed to the Association Board, which may overturn or amend the decision only upon a two-thirds vote of the Board.
- 9. The Association Board has the sole authority to hear general grievances against the Association.
  - a. Procedures for submitting and determining grievances are provided in the GPA Manual.
  - b. The decision of the Board is final and not subject to appeal.

**C. Level 3: US Soccer Federation**

- 1. The US Soccer Federation has the authority to hear appeals from final decisions of OYSA or its member clubs regarding the denial of a right to participate in any competition involving Organization Members [e.g., OYSA] or its members. (*See USSF Policy 601-7(C).*)
- 2. The US Soccer Federation will not accept an appeal of a "...decision of an Organization Member that arises out the application of the rules of competition which is made in the course of the competition, and has no consequence beyond the competition...."