

Wayzata Soccer Club

Hearings & Appeals

The Wayzata Soccer Club Hearings and Appeals process has been created in the model of the MYSA Hearing and Appeals program.

Suspension: The loss of the right to participate as a club member, coach, player, official, fan, or otherwise from Wayzata Soccer Club (WSC) or MSYA, USYSA, USSF or FIFA authorized or sanctioned activities that include participation by the Wayzata Soccer Club.

Violations of Wayzata Soccer Club and/or MYSA Policies or Rules may result in the suspension of the violator(s) from participation in WSC, MSYA, USYSA, USSF or FIFA authorized activities. Suspensions may result from a complaint filed by another member of the WSC, MSYA, or at the instigation of authorized members of the WSC Board of Directors, suspensions may only be imposed after the person is given the opportunity for a hearing under the WSC Hearings & Appeals Policy.

These rules set forth the procedure for levying and appealing fines and suspensions, for making and investigating complaints, and for conducting hearings and appeals.

1.1 Definitions

The following definitions are intended as a guide to the WSC Hearing and Appeal process. They are not intended to supersede specific definitions or meanings given to any of the following words in these or other WSC Rules & Policies, including the remainder of this Section.

Appeals Committee: The Board of Directors for the WSC (excluding those who were on the Hearing Board) empowered to hear appeals from decisions of the WSC Hearing Board.

Appellant: The party filing a notice of appeal, regardless of their status at the hearing level.

Complainant: The person making a complaint under these Rules, or in the case of an immediate suspension imposed under these Rules, the WSC or MYSA official imposing the immediate suspension.

Fine: A monetary sanction that does not involve a suspension. A fee imposed by the WSC for any reason is not a fine.

Hearing: A procedure, as specifically set forth in this section, to provide a person receiving or facing suspension with an opportunity to present their defense of the charges against them.

Hearing Board: The board created by the WSC consisting of the following WSC board members, President, Vice President, Secretary, Treasurer, Boys Director or Girls Director that will hear complaints, review imposed or proposed suspensions.

Hearing Panel: A panel of three members selected from the members of the Hearing Board to hear a specific matter.

Investigator: A person appointed by the WSC President pursuant to Section 1.3.3 to investigate complaints.

Party: Either the complainant or the respondent.

Respondent: The person against whom a complaint is made or, in the case of an immediate suspension imposed under these Rules, the person suspended. Also the party responding to an appeal, regardless of their status at the hearing level.

Suspension: The loss of the right to participate as a club member, coach, player, official, fan, or otherwise from Wayzata Soccer Club (WSC) or MSYA, USYSA, USSF or FIFA authorized or sanctioned activities that include participation by the Wayzata Soccer Club.

1.2 Fines; appeals of fines

1.2.1 Assessment and notice of fines

Fines as set forth in these policies and rules may be assessed against any WSC member by designated members of the Hearing Board. WSC will send notice of the imposition of the fine to the WSC member. The failure to accept or receive the notice does not affect or delay the imposition of the fine.

1.2.2 Procedure to appeal a fine

The WSC member against whom a fine has been assessed may appeal the imposition of such fine. An Affiliate or Extraterritorial Member that would be ultimately responsible for the payment of the fine may also appeal the imposition of the fine. If both the individual WSC member and the Affiliate or Extraterritorial Member appeal the imposition of the fine, the appeals shall be consolidated and treated as one appeal. The appeal must be submitted in writing to the President of the WSC. An email is not a sufficient submittal.

The WSC President must receive the appeal within ten (10) business days of the imposition of the fine. The appeal must set forth in detail the precise reasons why the appellant believes the fine was improperly assessed or should not be imposed.

1.2.3 Decision on appeal

The WSC President will submit the appeal to the two Hearing Board members who did not participate in the hearing panel. They shall review the appeal and determine whether the fine assessed should be confirmed, modified or withdrawn. The three Hearing Board members receiving the appeal shall inform the appellant in writing of the final determination regarding the appeal. Their decision of the appeal is final and may not be appealed further.

1.3 Violations of WSC or MYSA Policies or Rules; Suspensions; Complaints

1.3.1 Suspensions

Violations of WSC or MYSA Policies or Rules may result in the suspension of the violator(s) from participation in WSC, MYSA, US YOUTH SOCCER, USSF or FIFA authorized or sanctioned activities. Suspensions may result from a complaint filed by another member of the WSC or MYSA, or at the instigation of authorized members of the WSC Board of Directors. Suspensions may only be imposed after the respondent is given the opportunity for a hearing under Section 1.4, except as noted below.

Any WSC member, parent, coach, manager, player, fan or MYSA member may be suspended for any violation of any of the rules of competition, or for any of the following offenses (as defined in the MYSA Policies and Rules Manual):

- a. Assault or other violence;
- b. Drug, alcohol or tobacco use;
- c. Gambling
- d. Harassment;
- e. Submitting false information, including but not limited to birth date or registration status, with respect to the registration, eligibility, record or past or present status of a player;
- f. Taunting or showboating; or
- g. Using an illegal or ineligible player in any MYSA, US YOUTH SOCCER or USSF sanctioned activity, including without limitation an unregistered or overage player, a player not eligible to serve as a call-up, a player not presenting a proper player pass or a player under suspension.

A hearing is not required prior to suspension in the event of:

- a. Referee abuse;
- b. Referee assault;
- c. Violent conduct against a person or persons; or
- d. A suspension for a specific number of games pursuant to the rules of competition, such as a suspension due to a red card offense.

Even though suspension may be imposed prior to a hearing for the above offenses, the suspended party may request a hearing in accordance with these Policies and Rules for any suspension for alleged referee abuse or assault, or for a suspension based upon violent conduct.

1.3.2 Complaints

Anyone may file a complaint against any WSC or MYSA member for a violation of either WSC or MYSA rules, policies, or procedures.

In the event of an immediate suspension, the WSC official imposing the suspension shall file a written report with the WSC President, which shall trigger a hearing under Section 1.4 of these Rules. The written report must be filed with the WSC President within five (5) business days of the notification of the suspension. All complaints must be submitted in writing, using the form prescribed by the WSC. The information requested in the form is essential to the proper investigation of a complaint. Complaints that are not properly and fully submitted will not be investigated. The complainant will be notified and may resubmit the complaint.

1.3.3 Investigation of complaints.

All complaints properly and fully submitted will be investigated by a person designated by the WSC President. The WSC will provide a copy of the complaint to the respondent. The investigator shall request or accept information orally or in writing from the complainant and the respondent, and may request or accept information orally or in writing from any other persons who may possess relevant information regarding the complaint. The investigator shall make a determination as to whether the respondent violated any WSC or MYSA rules, policies or procedures, including but not limited to the rules, policies or procedures cited in the complaint.

The investigator shall within ten (10) business days prepare a written summary of the investigation and, if of the opinion that a violation has occurred, make a recommendation for an appropriate sanction. The investigator shall submit the summary to the WSC President. The WSC President shall promptly send the investigator's summary and recommendation, if any, to the respondent and the complainant.

If the investigator is of the opinion that no violation has occurred, and if the complainant does not request a hearing as provided in these rules section, the complaint will be dismissed. If the investigator is of the opinion that a violation has occurred, the matter shall be referred to the WSC Hearing Board for a hearing in accordance with these rules.

1.4 Hearings

1.4.1 Mandatory and discretionary hearings

A hearing shall be held for any immediate suspension or any recommended suspension. All other hearings are discretionary, and will only be held upon request as specifically allowed by these rules. In the case of an immediate suspension, the written report pursuant to Section 1.3.2 of these Rules shall function as a request for a hearing. In the case of a recommended suspension, the written summary pursuant to Section 1.3.3 shall function as a request for a hearing. In the case of a determination that no violation has occurred, a hearing must be requested by the complainant.

1.4.2 Requesting a hearing

A request for a hearing must be submitted in writing within ten (10) business days from the date of mailing of the investigator's summary and recommendation, as set forth in Section 1.3.3. The request must be delivered by hand or sent by certified mail to the WSC President. An email is not sufficient as a writing. The hearing request must be submitted using the form prescribed by the WSC. A hearing request that is untimely, or that does not provide all of the required information will be dismissed, with no further appeal permitted.

1.4.3 Scheduling of the hearing

Upon receipt of a hearing request that complies in full with Section 1.4.1 or 1.4.2 of these rules, the WSC Hearing Board shall schedule a hearing. A reasonable time will be allowed to prepare for a hearing. No hearing will be held on less than ten (10) business days written notice. The hearing shall be held within twenty (30) business days of receipt of the hearing request. These times may be modified by agreement of the parties or, for good cause shown, by the WSC.

1.4.4 Waiving a hearing; failure to appear

The person against whom an immediate suspension has been imposed, or against whom a suspension has been recommended, may by a writing submitted to the WSC President, waive their right to a hearing. The written waiver of the right to a hearing shall operate as an acceptance of the recommended suspension, and as a waiver of the right to any further appeal. Failure to appear at a scheduled hearing shall operate as a waiver of the right to present oral witnesses and argument. A party not appearing at the hearing may present written testimony and evidence. Failure to appear or present any evidence shall operate as a waiver of the right to a hearing. The waiver of the right to a hearing is conclusive and final and also waives the right to any appeal.

1.4.5 Makeup of the hearing panel

A hearing panel shall consist of no less than three (3) members, chosen by the WSC President from the WSC Hearing Board. The President shall designate one of the panel members to serve as Chair of the panel. If one or more members of the panel cannot attend the hearing, the parties may agree to proceed with the hearing so long as at least three (3) panel members are present.

1.4.6 Conduct of the hearing: general

Hearings are not open to the public, nor to any member of the WSC or MYSA except as specifically authorized by these rules. A hearing is not a court of law. Legal rules of procedure or evidence do not apply and need not be observed. Individuals appearing at a hearing as either the complainant or respondent have the right to consult with counsel or an advisor. The counsel or advisor may attend the hearing and the individual(s) may consult with them during the hearing. If this consultation becomes excessive or disruptive, the Chair of the Hearing Panel may limit or deny further consultation. The counselor or advisor may not participate in the hearing process, such as by asking questions, presenting testimony, or making statements, arguments or objections.

1.4.7 Conduct of the hearing: evidence and testimony

1.4.7.1 The complainant, respondent and witnesses will appear before the Hearing Panel. Both sides have the right to call witnesses and present oral and written evidence and argument. The complainant and respondent have the right to be present for all the proceedings except the actual deliberations of the Hearing Panel. Witnesses may be present in the hearing room only during their own testimony and questioning by the Hearing Panel.

1.4.7.2 Each side may present testimony from up to three (3) witnesses to an incident. The identity of these witnesses must be provided to the Hearing Panel and the opposing side at least seventy-two (72) hours before the scheduled start of the hearing. Only witnesses who have direct knowledge of the event or incident in question may testify. Testimony about an individual's character is not allowed. The Hearing Panel may limit the time allowed for any witness to testify.

1.4.7.3 If the witness is a minor, a parent or guardian may be present during their testimony. The parent or guardian, however, may not testify unless called separately by a party.

1.4.7.4 If a witness is unable to appear in person at the hearing, the party sponsoring such witness may submit their written testimony to the Hearing Panel. Such written testimony must contain the name, address and telephone number of the witness, must be dated and signed and the signature must be notarized. Relevant documents may be attached to and become part of the written statement. The Hearing Panel has the right to reject any written testimony that does not conform to this Rule. A witness testifying by writing shall count as one of the three witnesses allowed.

1.4.7.5 The complainant and respondent may not cross-examine witnesses presented by the other side. The Hearing Panel may, at its discretion, ask questions of the complainant, respondent or any witness.

1.4.7.6 Either party may submit documentary evidence, such as player passes, team rosters, referee game reports, letters, birth certificates and other sources of written or printed information. All proof of age documents must conform to the rules of the MYSA. Any party submitting written evidence must list all such evidence on a Document Directory form available from the MYSA, and submit the Document Directory to the Hearing Panel at the start of the hearing. All documentary evidence will be retained by WSC as part of the hearing record.

1.4.7.7 The hearing will be tape-recorded. The complainant or respondent may request a copy of the tape, which copy will be made and provided by the WSC at the expense of the requesting person(s). A party may, at its expense, have a court reporter present at a hearing, provided that the party makes a copy of the transcript of such hearing available at no cost to the other party and the WSC.

1.4.8 Conduct of the hearing: hearing procedure

1.4.8.1 The Chair of the Hearing Panel will:

- a. call the hearing to order;
- b. introduce him or herself, other members of the panel and all hearing participants;
- c. provide all present with a copy of the hearing agenda, which will include the time allotted for each portion of the hearing;
- d. notify all present that decorum must be maintained at all times during the hearing;
- e. present a summary of the incident, giving the date, time, location and parties involved, the identity of relevant entities and persons, such as teams, players, coaches, and others; and
- f. identify the participants and witnesses to be heard.

1.4.8.2 If the complainant or respondent is not an individual person, they must identify a primary spokesperson at the beginning of the hearing.

1.4.8.3 Complainant shall proceed first, and shall follow this order of presentation:

- a. an overview of the case (no more than ten (10) minutes);
- b. testimony by witnesses (no more than ten (10) minutes each); and
- c. for each witness, questions by the Hearing Panel.

1.4.8.4 Respondent shall proceed second, and shall follow this order of presentation:

- a. an overview of the case (no more than ten (10) minutes);
- b. testimony by witnesses (no more than ten (10) minutes each); and
- c. for each witness, questions by the Hearing Panel.

1.4.8.5 The time allotted for any particular segment of the hearing may be extended at the discretion of the Hearing Panel if it believes a longer presentation is essential to the resolution of the appeal. If the time is extended, each party will be afforded equal additional time.

1.4.8.6 Parties and witnesses may speak only when testifying before or called upon by the Hearing Panel. There will be no debate between or cross-examination by the parties.

1.4.8.7 The Hearing Panel may recall any witness for further testimony or questioning. At the discretion of the Hearing Panel, either party may recall one or more of its witnesses.

1.4.8.8 Following completion of testimony and questioning by the Hearing Panel, the complainant and respondent, in that order, may give a closing statement of not more than ten (10) minutes each. There shall be no rebuttal. The Hearing Panel may ask questions of the parties either during or after their closing statements.

1.4.8.9 At the conclusion of closing statements and questions, the hearing is completed. No additional testimony or evidence may be presented or considered once the hearing is completed. The Chair of the Hearing Panel may, however, allow the submission of written evidence requested by the panel during the hearing. The party submitting such additional written evidence must provide a copy of the same to the other party at the same time it is submitted to the Panel.

1.4.8.10 At the conclusion of the hearing, all parties and witnesses must leave the hearing room. The Hearing Panel may begin its deliberations at that time or may adjourn to a later date. Only the Hearing Panel members may be present during deliberations and voting. Deliberations must be concluded within five (5) business days from the final presentation of evidence.

1.4.9 Determination of the panel

The Hearing Panel may only consider the specific issues charged in the complaint or written report. This means, for example, that an individual charged with referee assault cannot, as a result of the hearing on that charge, be found guilty of harassment. This does not preclude a separate complaint on any charge that could have been but was not included in the initial complaint.

The Chair of the Hearing Panel will send written notice of the decision of the panel to the complainant, respondent and WSC President within ten (10) business days of the conclusion of the deliberations. Verbal communication of panel decisions is expressly prohibited and is of no legal or procedural effect. The written notice will include a statement of the charges, findings of fact, the decision of the panel, and a statement of the procedure for appeal. If the written notice is not sent within ten (10) business days of the conclusion of the hearing, either party may submit an appeal to the WSC President.

The Chair of the Hearing Panel shall within ten (10) business days of the date of the written notice provide to the WSC Risk Manager the full and complete hearing file, including the final written determination of the panel.

1.5 Appeal to the WSC Hearing Board

1.5.1 Filing a notice of appeal; fee

The complainant or the respondent may appeal the determination of the Hearing Panel by filing a notice of appeal with the WSC President. The notice of appeal must be submitted in writing, using the form prescribed by the MYSA. The written notice of appeal must be accompanied by an appeal fee in the amount of \$200.00 (in the form of a certified check). If on appeal the decision of the Hearing Panel is overturned, the entire appeal fee will be refunded. If on appeal the matter is remanded for another hearing, one-half of the appeal fee will be refunded. If the decision of the Hearing Panel is upheld, the entire fee will be retained by the WSC. The written notice of appeal must be sent by certified mail to the WSC President within ten (10) business days of the date of the written notice of determination from the Hearing Panel. An appeal that is untimely, does not provide all of the required information, or does not include the appeal fee will be dismissed, with no further appeal permitted within the WSC.

1.5.2 Scheduling of the appeal argument

Upon receipt of an appeal that complies in full with Section 1.5.1 of these rules, the WSC President shall schedule a time for argument of the appeal. A reasonable time will be allowed to prepare for the argument. No argument will be held on less than ten (10) business days written notice. The argument shall be held within twenty (30) business days of receipt of the appeal. These times may be modified by agreement of the parties or, for good cause shown, by the WSC.

1.5.3 Failure to appear

Failure to appear at a scheduled argument shall operate as a waiver of the right to present oral argument.

1.5.4 Conduct of the appeal argument: general

The argument of an appeal is not open to the public, nor to any member of the WSC except as specifically authorized by these rules. The WSC Hearing Board is not a court of law. Legal rules of procedure or evidence do not apply and need not be observed. The complainant and respondent have the right to be present for the arguments on appeal. Individuals appearing at an appellate argument as either the complainant or respondent have the right to consult with counsel or an advisor. The counsel or advisor may attend the argument and the individual(s) may consult with them during the argument. If this consultation becomes excessive or disruptive, the Chair of the Appeals Committee may limit or deny further consultation. The counselor or advisor may not participate in or make the argument.

1.5.5 Conduct of the appeal argument: no additional evidence or testimony

The appellate process is not intended as a second evidentiary hearing. The WSC Risk Manager will provide the Hearing Board with the hearing file from the hearing, including any written testimony and documentary evidence. No additional testimony, oral or written, or documentary evidence may be submitted to the Hearing Board for Appeals.

1.5.5.1 The argument will be tape-recorded. The complainant or respondent may request a copy of the tape, which copy will be made and provided by the WSC at the expense of the requesting person(s). A party may, at its expense, have a court reporter present at the argument, provided that the party makes a copy of the transcript of the argument available at no cost to the other party and the WSC.

1.5.6 Conduct of the appeal hearing: hearing procedure

1.5.6.1 The Chair of the Hearing Board (Current Appeal) will:

- a. call the meeting to order;
- b. introduce him or herself, other members of the Board and others present;
- c. provide all present with a copy of the argument agenda, which will include the time allotted for each portion of the argument;
- d. notify all present that decorum must be maintained at all times during the argument;
- e. present a summary of the incident, giving the date, time, location and parties involved, the identity of relevant entities and persons, such as teams, players, coaches, parents and others; and
- f. identify the participants to be heard.

1.5.6.2 The argument shall follow this order of presentation:

1. Argument by the party filing the notice of appeal (no more than twenty-five (25) minutes);
2. Argument by the other party (no more than thirty (30) minutes); and
3. Rebuttal argument by the party filing the notice of appeal (no more than five (5) minutes).

1.5.6.3 The time allotted for any particular segment of the argument may be extended at the discretion of the Appeals Committee if it believes a longer presentation is essential to the resolution of the appeal. If the time is extended, each party will be afforded equal additional time.

1.5.6.4 Parties may speak only when arguing to or called upon by the Board. There will be no debate between the parties.

1.5.6.5 The Board may ask questions of the parties either during or after their arguments.

1.5.6.6 At the conclusion of arguments and questions, the appellate argument is completed. No additional testimony, evidence or argument may be presented or considered once the appellate argument is completed. The Chair of the Hearing Board may, however, allow the submission of written material requested by the Board during the argument.

1.5.6.7 At the conclusion of the argument, all parties and witnesses must leave the meeting room. The Board may begin its deliberations at that time or may adjourn to a later date. Only the Board members may be present during deliberations and voting.

1.5.7 Determination of the Hearing Board (Appeal)

The Appeals Committee may only consider the specific issues raised in the notice of appeal. This means, for example, that an individual who appeals one issue from a written hearing determination cannot obtain or be granted relief on any other issue contained within the hearing determination. The Board (Appeal) must affirm, reverse, or remand the determination of the Hearing Panel on each issue raised in the notice of appeal.

The Chair of the Hearing Board (Appeal) will send written notice of the decision of the Board to the appellant and respondent within ten (10) business days of the conclusion of the argument. Verbal communication of committee decisions is expressly prohibited and is of no legal or procedural effect. The written notice will set forth the decision of the panel and include a statement of the procedure for appeal. If the written notice is not sent within ten (10) business days of the conclusion of the hearing, either party may submit an appeal to the MYSA if allowed to do so by the rules of the MYSA.

The Chair of the Hearing Board (Appeal) shall within ten (10) business days of the date of the written notice provide to the WSC Risk Manager the full and complete appellate file including the final written determination of the Hearing Board (Appeal).

1.6 Appeal to MYSA

Any party dissatisfied with the decision of the WSC Hearing Board (Appeal) may appeal such decision to the MYSA if their rules allow. The procedure to be followed is that established by the MYSA and set forth in its Appeals Procedures.