



Oregon Youth Soccer Association
Procedural Manual
GRIEVANCES, PROTESTS AND APPEALS

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Grievance, Protest, and Appeal Manual

Section 1. Purpose

- A. The purpose of this manual is to provide fair and uniform procedures for initiating and conducting hearings and any appeals that arise from such hearings.
- B. The procedures in this manual apply to all hearings and appeals conducted by the Association, except for Risk Management proceedings in accordance with Policy 801-1.
- C. Member clubs of OYSA are encouraged to use the procedures in this manual for hearings and appeals which they conduct. Appeals to OYSA from hearing decisions by member clubs must comply with the provisions of this manual.

Section 2. Definitions.

Abuse: verbal statement(s) or physical act(s) not resulting in bodily contact which imply or threaten physical harm to an individual or that individual's property or equipment.

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 request by a principal party to a hearing for 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.

Assault: an intentional act of physical violence at or upon another individual. For the purposes of this definition, "intentional act" shall be an act intended to bring about a result which will invade the interests of another in a way that is socially unacceptable. Unintended consequences of the act are irrelevant.

Association or OYSA: Oregon Youth Soccer Association

Closed Hearing: an administrative action held to review a grievance, protest, allegation of misconduct, or appeal where all testimony and evidence is presented in writing and questions are asked and answered in writing.

Complaint: The formal document that begins an adjudicative process. All hearings begin with the filing of a complaint. The allegations in the complaint determine the type of hearing that is held, the relief that may be granted, and the rights of appeal that may be available. Sample forms of complaint appear at the end of this manual.

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.

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.

Open Hearing: is an administrative action held to review a grievance, protest, allegation of misconduct, or appeal in 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.

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.

Probation: an official period of warning wherein any further violations of US Soccer, United States Youth Soccer (USYS), Oregon Youth Soccer, Club, or league Policies or By-Laws may result in an immediate hearing without regard to time limits stated in this manual. The adjudicating authority may impose conditions of Probation. Probation is not considered adverse action, and therefore may not be appealed, unless there are specific conditions of probation that remove benefits of membership.

Protest: a claim related to a specific competition, filed by a rostered official of one of the teams entered in the competition, seeking to overturn the results of a match 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.

Referee Abuse: shall be defined as stated in USSF Policy 531-9 – Misconduct Toward Game Officials.

Referee Assault: shall be defined as stated in USSF Policy 531-9 – Misconduct Toward Game Officials.

Suspension: an official period during which any and all activities with OYSA or any member clubs must cease. Suspension shall be a complete cessation of activities. When suspended, a member may not play for or practice with any team; may not coach or in any way assist in the instruction, training or management of a team or any of its players; may not hold any official position of responsibility within any affiliated organization (team, club, league, or state

association. Suspension from one (League, State, Regional or National) is suspension from all. All member clubs and organizations are required to observe the suspension of any member, or disciplinary action may result.

Section 3. Mandatory Procedures

- A. **Written Complaint Required.** Hearings upon any grievance, administrative claim, protest, or disciplinary hearing will be conducted only on the basis of a written complaint that has been filed with the appropriate authority.

- B. **Time Limits.**
 - 1. All complaints, allegations of non-referee assault and non-referee abuse, and/or allegations of misconduct shall be submitted within thirty (30) business days of the incident.
 - 2. All allegations of referee assault and referee abuse shall be submitted in accordance with USSF Policy 531-9. Referee Game Reports shall be accepted as an official allegation of misconduct regardless of their format.
 - 3. Hearing and adjudication of any allegation of misconduct should be completed within thirty (30) business days of confirmation of the complaint.
 - 4. If a decision is not reached within the thirty (30) business day period, the matter may be submitted to the next higher Level of jurisdiction without determination.
 - 5. The hearing committee shall deliver its written decision to all parties not later than 7 days following the completion of the hearing.
 - 6. If a decision is subject to appeal, any notice of appeal must be filed with the appropriate appellate authority not later than 10 days following the date the decision of the hearing committee is received by an appealing party, unless applicable rules of competition state otherwise.
 - 7. At all levels of the appeal process, if a decision is not reached within thirty (30) business days of receipt of the written appeal, the party filing the appeal may submit the appeal to the next higher Level without determination.

- C. **Effect of Decision.** Decisions and/or disciplinary sanctions imposed by a Hearing Committee shall be binding on, and shall be recognized by, the Association, its member clubs, and all affiliated organizations including Leagues, sanctioned Tournaments, and State Tournaments unless overturned or modified on appeal.

- D. **No automatic stay for appeal.** The act of filing an appeal shall not in and of itself stay the effect of any decision and/or disciplinary sanction. A stay may only be granted by the authority whose decision is appealed upon a specific finding that a stay of the decision will not harm any party to the action and will promote a fair decision on appeal.

- E. Hearing Record. 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. All original copies of evidence submitted shall be retained by the hearing committee at which the evidence was first submitted.
- F. Record on appeal. If there is an appeal of the decision, the official record will be delivered to the hearing committee convened for the appeal.
1. The record submitted to a higher level appeal committee in the appeal process shall be a true and exact copy of all original evidence submitted and accepted at the lower level hearing.
 2. The record for an appeal shall be numbered, indexed, and signed as verified by the original hearing chairman and forwarded by certified mail.
 3. In special circumstances, a higher level appeal committee may require the original copy(s) of a specific document(s).

Section 4. Filing Procedures

- A. Filing.
1. Filing of a complaint or protest that arises out of a particular event is accomplished by delivering the documentation to the competition authority specified in the Rules of Competition.
 2. Filing a complaint, grievance, or allegation of misconduct with a member club is accomplished by delivering the documentation to the business office of the club. If there is no business office, the documentation may be delivered to:
 - a. The registered agent of the club as specified in the records of the Corporation Division of the State of Oregon;
 - b. The club's President;

- c. The club's Registrar; or
 - d. Any other club officer
3. Filing a complaint, grievance, allegation of misconduct, or Notice of Appeal with the Association is accomplished by delivering the documentation to the business office of the Association.
 4. Filing a notice of appeal with the Federation is accomplished by delivering the documentation required by the Federation in accordance with Federation bylaws.
 5. The filing of the complaint or notice of appeal may be by any method that provides proof of delivery.

B. Complaint - Format and Contents.

1. The initial complaint or allegation of misconduct must be in writing and must contain, at a minimum, the following:
 - a. The name of the person or organization against whom the complaint is submitted
 - b. The name of the person submitting the complaint
 - c. The nature and specifics of the complaint with sufficient detail that the opposing party will be able to respond to the allegations
 - d. A listing of the particular bylaw, policy, rules or procedures that have been violated.
 - e. Appropriate documentation supporting the allegations
 - f. A statement of the desired result.
 - g. The appropriate filing fee.
2. Referee Game Reports shall be accepted as an official allegation of misconduct regardless of their format.

Section 5. Grievance Procedures

- A. Definition. A grievance is 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).
- B. Directed to Club or OYSA. Grievances may be addressed to a club or to the Association.
 1. As the complaint does not have a basis in an existing rule, the complaint essentially presents a perceived problem which may require the adoption of new rules.

2. Tournaments, leagues, and other competitions are sponsored and operated under the direction of clubs or the Association, so the event director of specific competition does not have authority to modify rules in response to a grievance. An event director who receives a grievance shall forward the complaint to the appropriate club or the Association for review.
- C. Hearing by Board of Directors. The Board of the appropriate club or the Association is responsible for making a decision on a grievance. The appropriate Board shall determine the specific procedures for dealing with any particular grievance. Some of the options a Board may choose to handle a grievance include:
1. The Board may create a subcommittee to hear and decide the grievance. Any subcommittee shall, however, have no fewer than three members.
 2. The Board may hear the grievance at any Board meeting. Quorum requirements for Board action as specified in the club or Association bylaws will apply to making a decision on the grievance.
 3. The Board may conduct an open hearing and invite testimony from additional parties.
 4. The Board may conduct a closed hearing and reach a decision based on the documents submitted with the grievance.
 5. The Board may appoint one or more persons to investigate the grievance and submit a report to the Board, then decide the grievance based on the report.
 6. The Board may adopt any other procedure that it believes will assist it in making an informed decision on the grievance.
- D. Time of Decision. Unless the Board specifically extends the time to decide a grievance, a final decision on the grievance shall be made within 90 days after receipt of the complaint.
- E. Notification of Decision. The Board shall provide written notification to the party submitting the grievance of its final decision.
- F. No Appeal. The decision of the Board is final on any grievance. No appeal is available from the decision of the Board.

Section 6. Protest Procedures

- A. Defined. A Protest is a claim related to a specific competition, filed by a rostered official of one of the teams entered in the competition, seeking to overturn the results of a match in the competition.
- B. Who may file. 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.

- C. Rules of Competition Govern. Unless specifically adopted by the Rules of Competition (Rules) that control a particular event, none of the procedures specified in this manual for hearings and appeals will apply. The Rules shall specify details of how and when protests may be filed and required fees for filing a protest. Unless otherwise stated in the Rules, the event director designated in the rules will hear all protests and claims arising from the event in a summary manner.
- D. No Appeal. Unless specified in the Rules, there are no appeals from the decision of an event director.
- E. Protests in National Championship Series (State Cup)
 - 1. Procedures in protests of State Cup matches are governed by the US Youth Soccer Policy on US Youth Soccer National Championships (2008-2009 and as subsequently amended).
 - 2. The Association's Rules of Competition for State Cup will supplement the USYS Policy for matches that take place under the jurisdiction of the Association.
 - 3. In order to be considered, a State Cup protest:
 - a. Must be orally lodged by a team official listed on the team roster involved in the game with the referee and with the opposing coach at the game site before entering the field of play or leaving the game site, except as provided in subsection 4. of this section; and
 - b. Must be filed with the appropriate authority within 2 hours after the completion of the game being protested, accompanied by—
 - (1) the OYSA protest fee in the amount stated in Section 11 of this manual;
 - (2) the written protest must include full particulars of the grounds on which the protest is lodged; and
 - (3) the written protest must include a statement of any information to be presented by witnesses.
 - 4. Any protest relating to the grounds, goal posts, bars, or other appurtenances of the game shall be entertained only if a written objection has been lodged with the referee and the opposing coach prior to the start of the game.
 - 5. Written protests must be submitted to the event director as specified in the State Cup Rules.
 - 6. Unless otherwise provided in State Cup Rules, the event director (or designee) will investigate and decide all protests arising from preliminary rounds of the State Cup tournament using such procedures as the event director may determine to be appropriate, subject only to the following limitations:
 - a. The event director will promptly notify the opposing party of the protest and provide a copy of the written protest.

- b. All parties to the protest will be given a reasonable opportunity to submit evidence within the time limits set by the event director.
 - c. Final decisions will be made prior to the next scheduled match of the affected parties.
 - d. There shall be no appeal from final decisions of the event director.
7. Protests arising from semi-final and final rounds of State Cup shall be heard by an impartial committee established by the event director.
- a. The event director will promptly notify the opposing party of the protest and provide a copy of the written protest to the opposing party and to all members of the committee.
 - b. All parties to the protest will be given a reasonable opportunity to submit evidence within the time limits set by the committee chairman.
 - c. To the extent possible given the time constraints imposed by Section 6.E.7.d., the hearing shall be conducted in accordance with the hearing procedures contained in Section 8 of this manual.
 - d. Final decisions will be made prior to the next scheduled match of the affected parties.
 - e. There shall be no appeal from final decisions of the hearing committee.

Section 7. Pre-Hearing Procedures

A. Validation and Review.

1. Upon the filing of an appeal, administrative claim, or allegation of misconduct, the receiving authority shall conduct the following validation and review to determine the appropriate response or action to the filing.
 - a. Identify the principal parties involved.
 - b. Determine that the parties involved in an appeal are in good standing with the Association and are not on a previous suspension. If the parties involved in either a protest or appeal are not in good standing, the filing is void.
 - c. For an appeal, determine if the appeal is directly related and germane to the lower authority's decision. If not, the appeal is rejected and returned to the filing party.
 - d. In the case of an administrative claim or allegation of misconduct, determine that
 - (1) charges made are specific
 - (2) rules allegedly violated are cited and sufficiently described

- (3) a desired result is stated. For these purposes, a request for disciplinary action shall be an acceptable desired result.
 - e. Determine that the proper authority has been addressed with the filing.
 - f. Determine that necessary information to adjudicate the matter has been included, including names, addresses, telephone numbers, previous hearing minutes, applicable rules, referee game reports, and witness statements.
 - g. Determine if filing time requirements have been met.
2. If the filing is properly validated and sufficient to adjudicate the matter, the principal parties are to be notified of the receipt of the complaint and the date, time, and place of the hearing if one is to be held.
 - a. Normally, five (5) business days should be sufficient time for the conduct of the validation review.
 - b. If an accused individual is serving a suspension pending a hearing, the hearing shall be conducted within thirty (30) days of receipt of the filing.
 - c. If a hearing cannot be held within thirty (30) business days, the accused individual may be temporarily reinstated on probation until the hearing process can be completed. This determination shall be made by the OYSA Vice-President. This provision does not apply to referee assault in accordance with USSF Policy 531-9.

B. Notification of Hearing

1. Notifications of receipt of a complaint and notification of the hearing date, time, and place may be made in separate notifications.
2. Notification of hearings shall be made and received a minimum of seven (7) working days prior to a hearing unless the accused waives their rights to this notice in writing.
3. Notification shall be communicated to the principal parties at the same time and method, and shall be accomplished by any means that provides proof of delivery.
 - a. Refusal to accept or sign for delivery shall not be grounds to claim lack of proper notification. USSF has held honest attempt to deliver a certified notice is an acceptable attempt to notify.
 - b. Confirmation of receipt (proof of deliver) at the address of record for the parties involved shall establish the date of delivery of the notification.
4. Notifications shall contain the following at a minimum:
 - a. A condensed statement of the cause of action.
 - b. A copy of the rules or procedures allegedly violated.

- c. Reference to the applicable portions of this Manual, which is available on-line at the OYSA website.
 - d. The date, time, place and type of hearing.
 - e. If a closed hearing, the date by which written testimony must be received. Written testimony shall be signed under penalty of perjury and the author must still be available for questioning via telephone.
 - f. Limits or restrictions (if any) that will be imposed on testimony. In general, limits on testimony may include a limitation of three witnesses and five minutes of testimony per witness.
 - g. Any special requirements or reminders such as minors must be accompanied by an adult.
- 5. One complete copy of all documentation received by the hearing authority shall accompany the Notification Letter. Striking addresses, telephone numbers, and in some cases names from statements may be acceptable provided the originals are maintained intact.
 - 6. Defendants may request one reschedule of a notified hearing.
- C. Negotiated Solutions to accusations of misconduct by the accused individuals may be established by the OYSA Vice-President as a means of expediting resolution of allegations.
- 1. Commonly known as a "plea bargain", a negotiated solution shall include a voluntary admission to the circumstances of the allegation and a voluntary acceptance of the decision.
 - 2. Negotiated Solutions should target minimum punishments under the guidelines of this Manual.
 - 3. Negotiated Solutions may include a period of probation following any negotiated suspension, during which if a second offense is alleged and deemed valid through investigation and a hearing the negotiated suspension may be modified.
 - 4. Negotiated solutions shall be documented and the documentation retained with the filing package of the allegation of misconduct.
 - 5. Negotiated solutions shall not be appealed.

Section 8. Hearing Procedures

A. OYSA Hearing Committees

- 1. 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.

2. Members of an OYSA Hearing Committee must be impartial. To maintain that impartiality, a person may not be a member of a committee if:
 - a. A party to the hearing is the person's current or former club or a member of the person's current or former club
 - b. A party to the hearing has a family, business, or personal relationship to the person
3. 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.
4. The Vice President will chair hearings of an OYSA Hearing Committee and may participate in deliberations, but will not vote in the committee's decisions.
5. A Hearing Committee shall be composed of three members, plus the OYSA Vice-president as chairman.
 - a. There may be a recording secretary who is not a member of the Hearing Committee.
 - b. If there is no recording secretary, one of the committee members will be designated as the record keeper for the hearing, responsible for maintaining notes, marking exhibits, and recording the testimony at open hearings.
6. No Hearing Committee Member may serve on more than one Hearing Panel for the same incident or offense.

B. Club Hearings

1. Any hearing conducted by an OYSA member club shall be heard by an impartial panel of three persons, none of whom have a material connection to the hearing or those involved as either accuser, accused, or witness.
2. One member of the committee shall be designated as the chairman and one as the recording secretary, unless there is a person available to act as recording secretary who is not a member of the committee.
3. No member of the hearing committee shall participate as a witness.
4. No Hearing Committee Member may serve on more than one Hearing Panel for the same incident or offense.

C. Record of Proceedings

1. All hearings shall have a record generated and maintained for the proceeding.
2. Open Hearings shall be recorded by an electronic system. The recording secretary shall operate the recording device, and shall also keep written notes as necessary. Both the electronic recording and the written notes shall become part of the hearing record. No one other than the recording secretary shall be authorized to make any audio or video recording of the hearing.
3. A transcript may be prepared upon the request of a party or (in the case of an OYSA hearing) the Association at the expense of the requestor.

D. Hearing Scope

1. The scope of any hearing, either open or closed, shall be limited to the specific protest, appeal, or allegation of misconduct.
2. Should additional allegations of misconduct be encountered during the course of an investigation or hearing, a separate allegation shall be filed specific to the new allegations of misconduct.
3. Witnesses, testimony, and evidence shall be limited to the specific allegations of misconduct or the specific case under appeal.

E. Evidence and Testimony

1. Documentary evidence may be presented at a hearing in support of either side of the issue at hand.
 - a. At an original hearing on any issue, all documentary evidence such as ID cards, team rosters, referee's game reports, letters, proof of age documents, photographs, and other sources of written or printed information should be original documents if possible. Documentary evidence may include authentic audio and video recordings.
 - b. Documentary evidence shall either be given to the defendant in advance of the hearing or the defendant shall be given an opportunity to examine the documents prior to acceptance of the documentary evidence by the Hearing Panel.
 - c. Appeal hearings may use copies of the original evidence packet unless the originals are required in order to assure a fair and accurate assessment of the case.
 - d. The referee and/or referee's assistant shall be present at the hearing in matters concerning referee abuse or referee assault. In other cases, the referee and/or referee's assistant may be present via telephone at the discretion of the Hearing Committee Chairman. If the referee is not available to testify, the Hearing

Committee may either dismiss the charges or reschedule the hearing (may only be rescheduled once except in the case of an emergency).

- e. Proof of age documents shall conform to those required in the OYSA Registrar's Manual. Should further documentary proof be required, sufficient notice shall be communicated to the accused and ample time allowed to acquire additional proof even if the hearing must be delayed.

2. Verbal Testimony and Witnesses

- a. Testimony shall be limited to the principal parties, eyewitnesses, and recognized authorities on the subject such as a registrar or referee assessor.
- b. All individuals have the right to question their accusers (if telephonically, through the Hearing Chairman)
- c. Written testimony may be accepted in lieu of oral testimony when the hearing panel is able to question the writer via conference call during the hearing. The writer is subject to cross examination by the defendant in the action.
- d. Oral testimony may only be taken via telephone with prior approval of the Hearing Panel Chairman. An accused shall have the opportunity to question any whose testimony is taken via telephone or the testimony shall not be considered in making any decisions.
- e. Accused individuals may be allowed to testify via telephone if absolutely necessary with the prior approval of the OYSA Vice-president.
- f. Testimony and the number of witnesses may be defined by the Hearing Committee Chairman due to time constraints as stipulated in the Notification of Hearing sent to the principal parties.

3. Document Directory. A document directory and hearing packet shall be established and maintained at each hearing level.

- a. All documentary evidence received and accepted shall be listed.
- b. The recording of the hearing shall be included in the document directory and hearing packet.
- c. The Minutes of the proceedings and a copy of the Decision Notification Letter shall be listed as the final documents for each hearing.

4. Official Record. The document directory, together with all the documents accepted at the hearing, constitute the official record of a hearing. Copies of the official record shall be provided as required for any appeal of a hearing.

F. Hearing Procedures

1. General Rules of Conduct

- a. Minors under the age of 18 must be accompanied by a parent or legal guardian.
- b. In the event the defendant refuses to attend, or fails to attend after being duly notified, the hearing may proceed at the discretion of the Hearing Panel Chairman using the evidence on hand to produce a decision.
- c. Plaintiffs and Defendants are allowed to remain in the hearing room throughout the testimony phase of the hearing.
- d. Plaintiffs and Defendants shall be allowed to examine all documentary evidence presented and accepted at the hearing.
- e. Copies of all written evidence (also known as the evidence packet) shall be given to the hearing committee, defendant, and plaintiff. Witness addresses and telephone numbers should be redacted from packets provided to the defendant and the plaintiff.
- f. All questions or statements from involved parties shall be addressed to the Hearing Committee Chairman, who will ask the appropriate individual for an answer or rebuttal should the Hearing Committee Chairman deem the question pertinent.
- g. An attorney or other advisor may counsel either party at a hearing; however, this advisor may not participate directly in the proceedings and shall restrict their comments and advice to the party they are advising.
- h. An attorney or advisor shall not question witnesses, present oral arguments, interrupt, or object to the conduct of the proceedings. A disciplinary hearing is an administrative hearing, not a court of law.
- i. The Hearing Committee Chairman may order an advisor out of the hearing room if he or she fails to properly conduct themselves according to this rule.
- j. Incorporated by reference are the provisions of USSF Bylaw 701, which outlines the rights of parties to a hearing conducted by a member of the Federation.

2. Open Hearings shall be conducted according to the following procedure:

- a. All parties including witnesses are brought into the hearing room.
- b. All parties and the Hearing Panel shall sign an attendance sheet and introduce themselves.
- c. The Hearing Committee Chairman shall describe the case to be heard, including:
 - (1) Names of parties involved including teams, leagues, competition, etc.,
 - (2) Event involved,

- (3) Date of the incident, and
 - (4) Rule numbers and a description of the rules allegedly violated.
- d. Witnesses are excused to an outer room, taking into account the requirement of minors to be accompanied by their parent or legal guardian.
 - e. The Hearing Committee Chairman shall ask all parties to submit additional written documentation if available. Copies shall be made and/or opportunity given for review of additional documentation.
 - f. Oral testimony shall then be presented according to the following order. Testimony shall consist of an opening statement followed by questioning by the Hearing Panel.
 - (1) Plaintiff presents their case. If the case is built on the match report of a referee, the referee may be cross examined by the defendant through the hearing chairman.
 - (2) Witnesses for the plaintiff are called individually.
 - (3) Defendant presents their case. Defendant is subject to cross examination by the Hearing Chairman. Hearing panel members may ask questions through the Hearing Chairman.
 - (4) Witnesses for the defendant are called individually.
 - (5) Witnesses are recalled as necessary. Hearing panel members may ask questions through the Hearing Chairman.
 - (6) Plaintiff provides a closing statement.
 - (7) Defendant provides a closing statement.
 - g. The Hearing Chairman advises the defendant of the sequence of events following closure of the hearing. This includes dates for formal notification of results and the appeal rights of the defendant should there be an adverse ruling.
 - h. The Open Hearing is then adjourned and the parties excused.
 - i. The Hearing Committee deliberates. Each charge is discussed and voted upon and entered into the record of the hearing. If guilty, sentences are determined as appropriate.
 - j. The Hearing Chairman will instruct the recording secretary on the format and content of all decision letters. The decision letters will be reviewed and approved by the Hearing Chairman prior to their being sent to the defendants.
 - k. The Hearing Committee Chairman shall ensure the evidence packet including all decision letters and related documents are retained for a minimum of the length of the sentence (including probation) plus one year.
3. Closed Hearings shall be conducted according to the following procedure:
- a. The Hearing Committee Chairman shall assemble the Hearing Committee and describe the case to be heard, including:
 - (1) Names of parties involved including teams, leagues, competition, etc.,

- (2) Event involved,
- (3) Date of the incident, and
- (4) Rule numbers and a description of the rules allegedly violated.

- b. The Hearing Committee Chairman shall ask the Hearing Panel to review all written documentation. The Hearing Panel Chairman shall call for a vote to accept written documentation, and then number the evidence packet for future reference.
- c. Written testimony shall be reviewed. Questions of those providing testimony may either be asked or answered via telephone or via written questions and responses.
- d. The Closed Hearing is then adjourned and the Hearing Panel deliberates.
- e. The Hearing Committee Chairman shall ensure the evidence packet including all decision letters and related documents are retained for a minimum of one year.

G. Hearing Decisions and Deliberations

1. Committee Voting

- a. The members of the Hearing Committee shall decide each issue arising from the hearing by a voice vote.
- b. The Hearing Committee Chairman may participate in the discussion of the evidence but shall not cast a vote unless a committee member has withdrawn.
- c. For hearings conducted by OYSA, the Vice-president will chair the committee, but will not participate in voting unless a member of the committee withdraws during the course of the hearing.
- d. The Hearing Committee shall respond only to the specific issues and allegations contained in the complaint.
- e. Other potential offenses arising from the investigation and hearing shall be afforded a separate complaint and hearing process, although notice of such referral may be included in the decision rendered.

2. Written Decisions shall be provided for all Hearing Committee decisions.

- a. If any disciplinary action is imposed on a player, coach, or administrator, or if a previous suspension has been overturned on appeal, a copy of the decision shall be sent to the Association office for entry into the Association's database.

3. Notification of Decisions should be forwarded to the principal parties within seven (7) business days of the conclusion of deliberations.

- a. Notification shall be accomplished by any means that provides proof of delivery,
- b. Notification of the decision shall include a statement of the procedure for appeal.

- H. Appeal Rights shall be communicated to each defendant upon notification of a final decision.
 - 1. The statement of appeal rights shall clearly indicate the appropriate level of jurisdiction for the appeal, including the identity and address of the person and/or office to which the appeal must be directed including any applicable fees.
 - 2. A sample notice of appeal document is provided in the Appendices to this Manual.

Section 9. Penalties and Fines

- A. Guidelines for Sanctions. The following guidelines for sanctions are provided for Hearing Committees. Minimum and maximum sanctions are generally provided. The sanctions imposed should be calculated to cause the person sanctioned to be aware of the gravity of the offense, to deter reoccurrence of the conduct being sanctioned, to rehabilitate the sanctioned person, and to deter others from engaging in the conduct that has been sanctioned.
 - 1. Referee assault and abuse by any persons shall be sanctioned in accordance with USSF Policy 531-9.
 - 2. Assault of a person who is not a referee:
 - a. Minimum thirty (30) day suspension;
 - b. Maximum seven (7) year suspension.
 - 3. Falsification of Documents (See OYSA Registrar's Manual):
 - a. Minimum ninety (90) day suspension;
 - b. Maximum seven (7) year suspension.
- B. Alternative Penalties may be assigned as deemed appropriate by the hearing panel. Alternative Penalties may replace or reduce normal penalties.
- C. Monetary Fines may be assessed at the discretion of the Hearing Panel. Fines paid shall be deposited into the OYSA General Fund. Guidelines associated with fines include:
 - 1. Individuals assessed a fine shall be given a minimum of thirty (30) days and a maximum of sixty (60) days to pay. Temporary suspensions being served pending adjudication shall remain in force until a levied fine has been paid.
 - 2. Payment shall be by cashier's check, money order, credit or debit card made payable to OYSA and shall be delivered to the Association office clearly marked as a fine payment including the name of the defendant.
 - 3. Fine amounts shall be a minimum of fifty dollars (\$50.00) per infraction and a maximum of five hundred dollars (\$500.00) per infraction.

Section 10. Appeals

- A. Filing an Appeal is the right of any party to an original action who has been assigned a penalty or sanction. No appeal may be filed by any other party with the exception of a minor child, for whom an appeal must be filed by their parent or legal guardian.
1. Appeals must be filed in writing in accordance with the filing procedures and fees of this Manual.
 2. The filing of an appeal shall not stay or suspend either decisions or sanctions imposed by a Hearing Committee.
 3. The Notice of Appeal must be placed in the mail and postmarked within ten (10) business days of the appellant's receipt of the decision in question unless the rules of competition state otherwise.
 4. Appeals to the Association shall be filed as follows:
 - a. The original Notice of Appeal shall be delivered to the office of the Association.
 - b. Copies of the Notice shall be delivered to:
 - (1) the chairman of the Hearing Committee that made the decision being appealed, and
 - (2) all other parties who participated in the hearing.
 - c. The Notice of Appeal must contain, at a minimum:
 - (1) Identification of the party filing the appeal and all other parties who participated in the hearing being appealed
 - (2) A complete copy of the decision being appealed
 - (3) A statement of the grounds for appeal
 - (4) Proof that copies of the Notice were sent to the chairman of the Hearing Committee whose decision is being appealed and to all other parties who participated in the hearing.
 - (5) Filing fees as required by this manual.
 - d. Upon receipt of a Notice of Appeal, Association staff will review the information received to determine if the appeal is valid in accordance with Section 5.
 - (1) The review of the appeal shall be completed within 5 business days of the Association's receipt of the Notice of Appeal.
 - (2) If the appeal is determined to be valid, Association staff will notify the chairman of the Hearing Committee and request a copy of the Official Record of the hearing.
 - (3) If the appeal is determined to not be valid, the appellant will be notified that the appeal is not accepted. An appeal that has not been rejected within 5 business days will be presumed to be accepted.
 - (4) Copies of the notice accepting or rejecting the appeal shall be sent to all parties who participated in the original hearing.

- e. Within 10 days after receiving a copy of a Notice of Appeal, the chairman of the Hearing Committee whose decision is being appealed shall deliver five (5) copies of the Official Record to the Association.
 - (1) The record shall not be delivered if the chairman is notified that an appeal has been rejected.
 - (2) Multiple copies of electronic records that are sent to the Association as electronic data files are not required.
 - (3) The cost of preparing copies of the Official Record shall be paid by the Appellant.
- 5. Appeals to a club or other body shall follow the procedures stated in the previous section, except for the identification of the body receiving the Notice of Appeal and the number of copies of the Official Record that may be required for the appeal hearing committee.
 - a. Appeals to a body other than the Association are only available if specific rules of competition provide for such an appeal.
 - b. In the absence of any specific rule specifying that an appeal may be taken to a body (club, league board, *etc.*) other than the Association, any appeal from the final decision of a hearing shall be made to the Association.
- 6. Appeals to the Federation shall follow the procedures specified by USSF in its bylaws, policies, and rules. The Federation will not accept appeals from decisions that arise out of the application of the rules of competition, are made in the course of the competition, and have no effect beyond the competition. (USSF Bylaw 705, Section 1(a)(2))

B. Scope and Authority of Appeals Hearings.

- 1. An appeal hearing may be either a closed or an open hearing at the discretion of the appeal authority.
- 2. An appeal is not a retrial. The Hearing Committee for an appeal shall limit itself to a review of written evidence and testimony of the hearing under appeal, the procedures used at the lower level, and decisions and sanctions imposed.
- 3. Parties involved in the hearing at the lower level may submit arguments in support of their position to the appeal Hearing Committee.
- 4. Appeal filings shall be validated and reviewed under the procedures of Section 5.A of this Manual to determine:
 - a. The legal standing of the appellant to appeal.
 - b. The appeal has been filed with the proper authority.
 - c. Necessary documentation, copies, and fees have been submitted.

- d. The appeal states a factual basis for the appeal and requests a specific outcome if the appeal is upheld.
- 5. Validated appeal filings will then be processed by the Vice-president to assemble a Hearing Committee, schedule a hearing, and make the necessary notifications per the procedures of this Manual.
- 6. Review standards for Hearing Panels in the evaluation of an appeal include:
 - a. Credible evidence to support the appeal that was contained in the original hearing record. Some credible evidence must be present that would lead a reasonable person to the same conclusion as the appellant requests and does not require a preponderance of the evidence.
 - b. Established rules and procedures have been followed, including all applicable procedures of the appropriate club, league, tournament, this Manual, OYSA, USYS, and USSF. Minor procedural errors may be present and the standard is defined as errors that would have materially and/or significantly affected the appellant's right to a fair process.
 - c. Decisions may not be arbitrary or capricious. Decisions shall be compared to the hearing record, and punishments shall be compared to the violations committed and relevant to other similar violations and decisions.
 - d. Decisions may not contradict higher authority, including League or Tournament Rules and Procedures; OYSA Rules and Procedures; USYSA Rules and Procedures; USSF Rules and Procedures; and the U.S. Amateur Sports Act.
 - e. Hearing Committees may uphold a guilty verdict yet reduce the penalties, as warranted by the hearing.

Section 11. Filing Fees

A. The following fees apply to file actions with OYSA

- 1. Protest (OYSA sponsored event) \$100.00
- 2. Grievance \$200.00
- 3. Administrative Claim \$200.00
- 4. Appeal \$300.00

B. Filing fees for grievances, protests, administrative claims, and appeals initiated with any organization other than the Association will be the amounts established by the appropriate organization.

- C. There are no filing fees associated with complaints of misconduct submitted to OYSA for investigation. Association staff will investigate complaints of misconduct and will arrange for a hearing of in accordance with Section 8.

Section 12. Forms

- A. Notice of Hearing - Sample
- B. Notice of Decision - Sample
- C. Notice of Appeal
 - 1. USSF
 - 2. OYSA
- D. Complaint

Notice of Hearing

Sample

Oregon Youth Soccer Association
4840 SW Western Ave., Suite 800
Beaverton, OR 97005

October 27, 2008

Joe Coach
123 Maple Lane
West Linn, OR 97068

Sent by Certified Mail

Re: Misconduct Claim
Notice of Hearing

Dear Mr. Coach,

Oregon Youth Soccer Association has received an allegation that you have engaged in behavior that, if the allegations are true, would be a violation of Policy 802-3, Section 2.F.2. and would also qualify as referee abuse under USSF Policy 531-9 (Misconduct Toward Game Officials). You are hereby charged with violation of both rules.

The alleged behavior took place at a Boys U-13 match on October 18, 2008 between Lake Oswego Bulldogs and Willamette United Rampage. The referee report for the match indicates that you repeatedly disputed calls during the game, and then at the end of the game you approached the referee and told him you would "kick his butt."

Oregon Youth Soccer will hold a hearing to consider these charges on **Thursday, November 20, 2008, at 6:30 pm**. The hearing will take place here at the OYSA office, 4840 SW Western Ave., Suite 800, Beaverton, OR 97005. If you need directions, you may call the office at 503-626-4625.

OYSA has requested that Robert Official, the referee from the match in question, appear at the hearing. OYSA has also requested that Bill Sideline, the assistant referee, appear at the hearing.

You are directed to appear at the hearing to answer the charges against you. If you do not appear at the scheduled hearing, the hearing will proceed without you and a decision will be made without your testimony.

You may present evidence and testimony from witnesses at this hearing. Any written evidence must include five (5) copies for the use of the hearing committee members.

A parent or legal guardian must accompany any witnesses who are minors - there are no exceptions.

You will have a time limit of thirty minutes to present evidence or testimony. Should you have any further questions about the hearing procedures, you should consult OYSA Policy 701-1 and the OYSA Grievance, Protest, and Appeal Manual, Section 7, which lay out all relevant procedural rules and which will govern this hearing. Complete copies of OYSA bylaws, policies, and the GPA manual are available for download from the OYSA website at <http://oregonyouthsoccer.org/test/admin/>.

Enclosed are a copy of the referee report, copies of GPA Manual Section 7, OYSA Policy 802-3, USSF Policy 531-9, and USSF Bylaw 701 (which sets forth due process rights). Please note that OYSA Policy 802-3 and USSF Policy 531-9 provide that anyone found to have committed referee abuse shall receive a minimum suspension of three scheduled matches, but both rules allow for a longer period of suspension.

If you have any further questions about procedural issues, you can contact me at 503-626-4625. Please note that I cannot discuss the details of your case.

Sincerely,

Brian Scott
Risk Manager
brian@oregonyouthsoccer.org

Enclosures

cc: Dan Dieter, OYSA Vice-president

Notice of Decision

Sample

Oregon Youth Soccer Association
4840 SW Western Ave., Suite 800
Beaverton, OR 97005

December 1, 2008

Joe Coach
123 Maple Lane
West Linn, OR 97068

Sent by Certified Mail

Re: Misconduct Hearing
Notice of Decision

Dear Mr. Coach,

On Thursday, November 20, 2008, Oregon Youth Soccer Association (OYSA) held a hearing to consider charges that you violated OYSA Policy 802-3 (Referee Abuse) and committed referee abuse under USSF Policy 531-9 (Misconduct Toward Game Officials).

The hearing was convened at 6:30 pm. The hearing committee heard testimony from Robert Official, the referee for a Boys U-13 match that took place on October 18, 2008. The hearing panel also heard testimony from Bill Sideline, an assistant referee for the match.

At the hearing, you appeared and testified on your own behalf. You also presented testimony from Laura Parent, a parent from your team who was present at the match in question and Kyle Assistant, who served as your assistant coach on the day of the match.

The hearing lasted approximately 45 minutes. After considering all the evidence presented, the hearing committee makes the following findings:

1. You, Joe Coach, served as coach for the Willamette United Rampage during a Boys U-13 match that took place on October 18, 2008 ("the Match").
2. Robert Official served as the center referee for the Match. Bill Sideline served as an assistant referee for the Match.
3. During the Match, you repeatedly yelled at Mr. Official that he was making the wrong call, that he didn't know what he was doing, and that he had lost control of the match. Several times you yelled obscenities. Mr. Official cautioned you during the second half that you needed to stop yelling and warned you to refrain from using obscenities.

4. At the conclusion of the Match, while Mr. Official was still on the field, you walked onto the field and approached Mr. Official. You yelled at him that he was a "terrible official" and when you were approximately 5 feet away from him you told him that you were going to "kick his butt." Your assistant coach, Mr. Assistant, placed his hand on your shoulder and pulled you away from the referee.

Based on these findings, it is the conclusion of the hearing panel that:

1. You have violated OYSA Policy 802-3 (Referee Abuse) because you "verbally threatened" the referee.
2. You have committed "referee abuse" under USSF Policy 531-9 because you made a "verbal statement ... not resulting in bodily contact which implies or threatens physical harm to a referee."
3. You must serve a period of suspension for each rule violation of six months. All suspensions will be served concurrently (together). Your suspension will run from today, December 1, 2008, through and including June 1, 2009.
4. Following the period of suspension you will be placed on probation for one year, during which time, you are subject to immediate suspension for a minimum of three years if found guilty of any act of abuse or assault on any person.

The term "suspension" means an official period during which any and all activities with OYSA or any member clubs must cease. Suspension shall be a complete cessation of activities. When suspended, a member may not play for or practice with any team; may not coach or in any way assist in the instruction, training or management of a team or any of its players; may not hold any official position of responsibility within any affiliated organization (team, club, league, or state association. Suspension from one (League, State, Regional or National) is suspension from all. All member clubs and organizations are required to observe the suspension of any member, or disciplinary action may result.

Probation is an official period of warning wherein any further violations of US Soccer, United States Youth Soccer (USYS), Oregon Youth Soccer, Club, or league Policies or By-Laws may result in an immediate hearing without regard to time limits stated in OYSA policies or the OYSA Grievance, Protest, and Appeal Manual. The adjudicating authority may impose conditions of Probation. Probation is not considered adverse action, and therefore may not be appealed, unless there are specific conditions of probation that remove benefits of membership.

If you have any questions as to whether you are permitted to engage in certain activities, you should contact OYSA first. Please note that failure to abide by the terms of your suspension may subject you to additional discipline, including an extension of your suspension.

You have the right to appeal this decision to the United States Soccer Federation Appeals Committee within ten (10) days of receipt of this letter. A copy of USSF Bylaw 705 and a Notice of Appeal form are enclosed with this letter. If you wish to appeal, you should complete the Notice of Appeal and send it with the \$300 appeal fee (in the form of a cashier's check or money order payable to USSF) to:

The United States Soccer Federation National Appeals Committee
c/o Greg Fike USSF Appeal Committee, Attorney
1801-1811 South Prairie Avenue,
Chicago, IL 60616

Please note that if you submit an appeal, you must send a copy of your Notice of Appeal form to OYSA. Please also note that an appeal does not "stay" the decision of OYSA.

Sincerely,

Brian Scott
Risk Manager
brian@oregonyouthsoccer.org

Enclosures

cc: Dan Dieter, OYSA Vice-president

Notice of Appeal to USSF

PLEASE ATTACH APPEAL FEE: \$300.00 (Cashier's Check or Money order only)

_____ Cashier's Check _____ Money Order

A. Individual/Organization Filing Appeal (the Appellant):

Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Work Fax: _____

Email Address: _____

B. Opposing Party/Organization Member Rendering Decision (The Appellee):

Name: _____

Address: _____

Telephone: _____ Fax: _____

Name of Organization Member's President: _____

C. Date of Decision * being Appealed: _____

* **APPELLANT:** PLEASE BE SURE TO ATTACH A COPY OF THE DECISION TO THIS NOTICE OF APPEAL.

D. Please State Briefly the Reasons Why You Are Appealing the Decision:

E. Date Decision was received * by Appellant: _____

* APPELLANT HAS TEN (10) DAYS FROM DATE OF RECEIPT OF THE DECISION WITHIN WHICH TO FILE THIS NOTICE OF APPEAL WITH THE UNITED STATES SOCCER FEDERATION, INC. NATIONAL APPEALS COMMITTEE, TO THE ATTENTION OF THE PERSON AND THE ADDRESS SET FORTH BELOW:

I hereby certify that a true and correct copy of this Notice of Appeal. Together with appropriate appeals fee in the amount of \$300.00 (in the form of a cashier's check or money order), made payable to: The United States Federation, Inc., has been sent to:

The United States Soccer Federation, Inc. National Appeals Committee
c/o Greg Fike USSF Appeal Committee, Attorney
1801-1811 South Prairie Avenue,
Chicago, IL 60616

I further certify that a true and correct copy of this Notice of Appeal has been sent to the State Association and /or the State Association President listed in Section B above.

Dated: _____
Signature of Appellant

Notice of Appeal to OYSA

PLEASE ATTACH APPEAL FEE: \$300.00 (Cashier's Check or Money order only)

_____ Cashier's Check _____ Money Order

Name: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Work Fax: _____

Email Address: _____

B. Opposing Party/Member Organization Rendering Decision (The Appellee): (Attach additional sheets as needed with the names, addresses, and phone numbers of any additional parties who appeared at the hearing being appealed.)

Name: _____

Address: _____

Telephone: _____ Fax: _____

Name of Organization Member's President: _____

C. Date of Decision * being Appealed: _____

*** APPELLANT:** PLEASE BE SURE TO ATTACH A COPY OF THE DECISION TO THIS NOTICE OF APPEAL.

D. Please State Briefly the Reasons Why You Are Appealing the Decision:

E. Date Decision was received * by Appellant: _____

* APPELLANT HAS TEN (10) DAYS FROM DATE OF RECEIPT OF THE DECISION WITHIN WHICH TO FILE THIS NOTICE OF APPEAL WITH OREGON YOUTH SOCCER ASSOCIATION, TO THE ATTENTION OF THE PERSON AND THE ADDRESS SET FORTH BELOW:

I hereby certify that a true and correct copy of this Notice of Appeal. Together with appropriate appeals fee in the amount of \$300.00 (in the form of a cashier's check or money order), made payable to: Oregon Youth Soccer Association., has been sent to:

Oregon Youth Soccer Association
Attn: Brian Scott, Member Services Coordinator
4840 SW Western Ave., Suite 800
Beaverton, OR 97005

I further certify that a true and correct copy of this Notice of Appeal has been sent to the Opposing party(ies) designated in Section B, above and to the chairman of the Hearing Committee rendering the decision being appealed as follows:

Name: _____

Address: _____

Dated: _____

Signature of Appellant: _____

Complaint

A. Defendant

This complaint is about the conduct of: *(check appropriate box and provide identifying information)*

Individual Name: _____
Address: _____
Phone: _____
Club: _____

Individual Defendant's Club Role *(circle one)*

Team					Club			
Player	Parent	Coach	Manager	Other	Officer	Board	Employee	Other

Club Club Name: _____
President: _____
Address: _____
Phone: _____

OYSA

B. Plaintiff

This claim is made on behalf of: *(check appropriate box and provide identifying information)*

Individual Name: _____
Address: _____
Phone: _____
Club: _____

Individual Plaintiff's Club Role *(circle one)*

Team					Club			
Player	Parent	Coach	Manager	Other	Officer	Board	Employee	Other

Club Club Name: _____
 President: _____
 Address: _____
 Phone: _____

OYSA

C. Type of Claim

To the best of your knowledge, has the Defendant's conduct violated any Rules?

___ Yes ___ No

1) If yes, please indicate the type of rule you believe has been violated:

Type of Rule	Club	OYSA	USYS	USSF
Bylaw				
Policy				
Code of Conduct				
Procedural Manual				
Rules of Competition				

2) If yes, Document title and section reference (e.g., Sample Club Bylaws, section 305; or USSF Policy 531-9) **[Note: You must attach a copy of the Rule(s) in question.]**

3) If no, this complaint may be treated as a grievance which will be decided by the Board of Directors of the Defendant organization.

D. Conduct that is the basis of this complaint

Describe the particular conduct that is the basis of the complaint. Be as specific as you can regarding dates, locations, and actions. Attach any documents that support your claim.

(Attach additional pages if necessary to state your claim.)

E. Relief Requested

State what you want as a result of a hearing on your complaint.

F. Attestation

By signing this document I affirm that the allegations of this complaint are true to the best of my knowledge and belief.

Dated: _____
Signature of Plaintiff