



## **CAL SOUTH**

### **PROTEST, APPEAL, AND DISCIPLINARY COMMITTEE**

#### **MANUAL OF OPERATION**

PAD Mission Statement: The purpose of the Protest, Appeal and Disciplinary Committee is to influence a change in the behavior of players, coaches, and administrators when allegations of misconduct are made. Cal South will make sure that all cases, players, coaches, and administrators will be treated fairly and impartially.

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## **1. GENERAL**

- 1.1. PAD Committee. The Protest, Appeals and Disciplinary (PAD) Committee is a standing Committee of Cal South organized to meet the requirements of USSF Bylaw 701. The PAD Committee shall serve as the body to investigate, review and/or hear grievances, review and/or hear appeals of protests, administrative actions and disciplinary actions by sanctioned member organizations, negotiate and/or hold hearings to determine if alleged violations of bylaws or rules occurred and if so, to determine suitable sanctions.
  - 1.1.1. Director of PAD. The Director of PAD shall be appointed by the President of Cal South, subject to ratification by the Board of Directors.
    - 1.1.1.1. The Director of PAD shall be the chairman of the PAD Committee and oversee the operations of PAD committees throughout Cal South.
    - 1.1.1.2. The Director of PAD shall provide a monthly report on PAD Committee activities to the Board of Directors of Cal South.
  - 1.1.2. Members of PAD Panel Pool. Membership in the PAD Panel Pool shall be by appointment by each sanctioned gaming circuit in Cal South, by the Director of PAD, or by the President of Cal South.
    - 1.1.2.1. Every sanctioned gaming circuit in Cal South shall nominate one person for every 2,500 players in their circuit to serve on the PAD Panel Pool with a minimum of one person for the PAD Panel Pool and a maximum of five persons.
    - 1.1.2.2. PAD Panel Pool appointees should be individuals with responsibility for protest, appeals, and disciplinary committee activities within their respective gaming circuits.
    - 1.1.2.3. Recognized Referee Associations shall be solicited for appointments of referee members to two year terms on the PAD Panel Pool similarly to gaming circuits, with referee appointees subject to the approval of the State Youth Referee Administrator (SYRA).
    - 1.1.2.4. PAD Panel Pool nominees shall be subject to the approval of the Director of PAD with ratification by the Board of Directors and serve a term of two years.
  - 1.1.3. Code of Ethics and Conflicts of Interest. PAD Committee and PAD Panel Pool members shall adhere to the Cal South Code of Ethics and complete a Conflict of Interest form annually.
- 1.2. Responsibilities.
  - 1.2.1. The Director of PAD shall:
    - 1.2.1.1. Approve the appointment of PAD Panel Pool members by the sanctioned gaming circuits of Cal South.
    - 1.2.1.2. Train PAD Committee members.
    - 1.2.1.3. Organize the activities of the PAD Panel Pool and supervise the support activities provided by the staff of Cal South.

- 1.2.1.4. Convene hearing panels as necessary and provide quality control evaluations of their hearings and results.
  - 1.2.1.5. Prepare appeal documents for USSF appeals, utilizing PAD Committee members and Cal South staff for support as necessary.
  - 1.2.1.6. Review the activities of protest, appeals and disciplinary committees of the member gaming circuits and act as a consultant to these upon request.
  - 1.2.1.7. Provide a monthly report to the Board of Directors on PAD Committee activities.
  - 1.2.1.8. Provide an annual report to the Board of Directors compiling a year-end review of all PAD activities and suggestions for improvement.
  - 1.2.1.9. Other related duties as specified by the President of Cal South and the Board of Directors.
- 1.2.2. Sanctioned Gaming Circuits shall:
- 1.2.2.1. Establish gaming circuit PAD Committees and procedures according to Cal South rules and the guidance of this PAD Manual. Said procedures including notifications of the right to appeal shall be published.
  - 1.2.2.2. Refer protests, appeals, and alleged disciplinary actions to the Cal South PAD Committee when appropriate and in accordance with procedures outlined in this PAD Manual.
  - 1.2.2.3. Nominate persons to fill the PAD Panel Pool of the Cal South PAD Committee.
  - 1.2.2.4. Provide Gaming Circuit PAD Manual commensurate with annual Cal South sanctioning application requirements.
- 1.2.3. PAD Committee members shall:
- 1.2.3.1. Attend PAD Committee organizational and training meetings from time to time when called by the Director of PAD.
  - 1.2.3.2. Serve on review and hearing panels as assigned by the Director of PAD.
  - 1.2.3.3. Adhere to the Cal South Code of Ethics and complete the Conflict of Interest form annually.
  - 1.2.3.4. Conduct the duties of the PAD Committee in a professional and business like manner, treating all parties in disputes and rule violations with respect.
- 1.3. Jurisdiction. There are three levels of jurisdiction in matters of protest, appeal and discipline. Those levels are:
- 1.3.1. Level 1. District Commissioners, Leagues and Leagues of Registration, Gaming Circuits, sanctioned Tournaments, and Cal South's State Cup Committee.
    - 1.3.1.1. Level 1 bodies shall be the first level of adjudication and shall hear original protests, appeals, and allegations of misconduct arising from events within their sphere of responsibility.

- 1.3.1.2. Level 1 bodies shall refer assaults, either referee assaults or non-referee assaults, overage player violations, and falsification of documents cases to the Cal South PAD Committee. The Cal South PAD Committee may, upon review of data, remand such matters back to the Level 1 body.
- 1.3.1.3. There shall be only one level of adjudication at Level 1.
- 1.3.1.4. Appeals of Level 1 decisions shall be directed to Level 2.
- 1.3.2. Level 2. Cal South PAD Committee and Cal South Board of Directors.
  - 1.3.2.1. The Cal South PAD Committee shall be the responsible body for all Level 2 actions; however, the Cal South Board of Directors reserves the right to review actions and/or hold hearings.
  - 1.3.2.2. The Cal South PAD Committee shall hear appeals from Level 1.
  - 1.3.2.3. The Cal South PAD Committee may hold original disciplinary hearings as appropriate and in accordance with the procedures in this PAD Manual.
  - 1.3.2.4. Appeals of Level 2 decisions shall be directed to Level 3.
- 1.3.3. Level 3. United States Soccer Federation (USSF) Appeals Committee.
  - 1.3.3.1. The USSF Appeals Committee operates according to USSF Rules. The forms and procedures for submitting an appeal are contained in an Appendix to this PAD Manual.
- 1.4. Definitions
  - 1.4.1. An *Abuse* involves verbal statement(s) or physical act(s) not resulting in bodily contact which implies or threatens physical harm to an individual or that individual's property or equipment.
  - 1.4.2. *Action Verbs* utilized in this document provide the requirements for action taken and include the words *shall*, *should*, and *may*.
    - 1.4.2.1. *Shall* denotes a requirement and all actions invoked by "shall" will be followed explicitly.
    - 1.4.2.2. *Should* denotes a strong recommendation and all actions invoked by "should" will be followed unless there is a compelling reason to vary from the statement.
    - 1.4.2.3. *May* denotes permission, neither a requirement nor a recommendation.
  - 1.4.3. An *Appeal* is a request by one of the principal parties to review the result of a protest hearing, administrative action, or disciplinary hearing.
  - 1.4.4. An *Assault* involves an intentional act of physical violence at or upon another individual. For the purposes of this definition, "intentional act" shall mean 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.
  - 1.4.5. *Bad Financial Standing* is a condition in which a league, club, member or sanctioned tournament may be placed due to the failure to meet documented

financial obligations to either Cal South or a member league, club, sanctioned tournament, or team.

- 1.4.6. A *Ban* is a disciplinary action that restricts participation within specific and/or limited types of sanctioned activities within the Cal South Association, only.
- 1.4.7. A *Closed Hearing* is 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.
- 1.4.8. A *Disciplinary Hearing* is an administrative action in response to a written allegation(s) of misconduct and normally held by an appointed committee to review the facts and determine a response to the (alleged) misconduct.
- 1.4.9. A *Grievance* is a complaint of a general nature which is not based upon a specific rule violation and/or specific administrative decision or lack of decision.
- 1.4.10. A *Non-Public Hearing* is a hearing or portion of a hearing that has been held in such a matter to protect sensitive privacy rights.
- 1.4.11. An *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.
- 1.4.12. *Probation* is an official period of warning wherein any further violations of US Soccer, United States Youth Soccer (USYS), Cal South, League, Gaming Circuit, Rules and Regulations or By-Laws may result in an immediate hearing without regard to stated time limits in this manual. The adjudicating authority may place conditions of Probation. Probation is not considered adverse action, and therefore may not be appealed, unless there are specific conditions of probation imposed with the period of probation. Specific conditions of probation that remove such benefits of membership are considered adverse action and may be appealed.
- 1.4.13. A *Protest* is an action filed by one of the principal parties affected in order to overturn the outcome of a game or administrative action.
- 1.4.14. A *Referee Abuse* shall be defined as stated in USSF Policy 531-9 – Misconduct Toward Game Officials.
- 1.4.15. A *Referee Assault* shall be defined as stated in USSF Policy 531-9 – Misconduct Toward Game Officials.
- 1.4.16. A *Suspension* is a complete cessation of an official period wherein any and all activities with Cal South sanctioned or affiliated activities must cease. Suspension shall be a complete cessation of activities; suspended from one (League, State, Regional or National) is suspension from all. All affiliated members and organizations are required to observe the suspension of any member, or disciplinary action may result. 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).

- 1.5. References
  - 1.5.1. US Soccer Bylaw and Policy Manual
  - 1.5.2. Cal South Bylaws
  - 1.5.3. Cal South Rules and Regulations

## **2. GRIEVANCES AND PROTESTS**

- 2.1. A Grievance shall be filed in writing and should be filed with the next higher authority.
  - 2.1.1. A grievance shall specify the situation, any and all persons involved, references to supporting documentation, and a complete description of the circumstances.
  - 2.1.2. All parties involved shall be given an opportunity to present arguments either in person or in writing to the adjudicating authority.
  - 2.1.3. There is only one adjudication level for a grievance, and the decision produced is final with no further appeal allowed.
- 2.2. A Protest shall be filed in accordance with the procedures and rules of competition.
  - 2.2.1. The rules of competition may prohibit protests.
  - 2.2.2. If protests of game results are allowed in written competition rules, those rules shall specify the procedures for filing the protest and must be based upon violation of the published rules of the competition, the rules of Cal South, or FIFA Laws of the Game.
  - 2.2.3. A protest filing fee may be allowed, and if required they shall be published in advance.
  - 2.2.4. Protest rules shall require protests be filed only by coaches or team administrators directly involved; protests by third parties shall not be permissible.
  - 2.2.5. The competition authority shall be the sole arbiter of the protest and no appeal of their decision shall be allowed.

## **3. MANDATORY CONDITIONS**

- 3.1. Hearing and adjudication of any allegation of misconduct should be completed within thirty (30) business days of confirmation of the cause of action.
  - 3.1.1. 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.
- 3.2. 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.
- 3.3. The act of filing an appeal shall not in and of itself stay the execution of any decision and/or disciplinary sanction.



- 3.4. Decisions and/or disciplinary sanctions imposed shall be binding on all Levels, and shall be recognized by all affiliated organizations including Leagues, Gaming Circuits, sanctioned Tournaments, and State Tournaments organizations unless overturned or modified on appeal.
- 3.5. All original copies of evidence submitted shall be retained by the hearing committee at which the evidence was first submitted.
  - 3.5.1. The official hearing packet 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.
  - 3.5.2. Appeal packets shall be numbered, indexed, and signed as verified by the original hearing chairman and forwarded by certified mail.
  - 3.5.3. In special circumstances, a higher level appeal committee may require the original copy(s) of a specific document(s).
- 3.6. It is the intention of Cal South that no more than two (2) hearing levels should be applied to any action or alleged violation. This limitation shall not apply should a re-hearing be directed during appeal.

#### **4. FILING PROCEDURES**

- 4.1. Procedure and Format.
  - 4.1.1. A protest, appeal, or allegation of misconduct shall be filed in writing and include at a minimum:
    - 4.1.1.1. The nature and specifics of the complaint.
    - 4.1.1.2. A listing of rules or procedures that have been violated.
    - 4.1.1.3. A statement of the desired result.
    - 4.1.1.4. All supporting documentation, including the evidence packet if an appeal.
    - 4.1.1.5. The appropriate filing fee.
    - 4.1.1.6. 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.
    - 4.1.1.7. All allegations of referee assault and referee abuse shall be submitted in accordance with USSF Policy 531-9.
  - 4.1.2. Referee Game Reports shall be accepted as an official allegation of misconduct regardless of their format.
- 4.2. Notification
  - 4.2.1. The original document of the protest, appeal or allegation of misconduct, along with all supporting documents, shall be forwarded by any method that provides proof of delivery.

- 4.2.2. In the case of an appeal, the appeal must be placed in the mail and postmarked within ten (10) business days of the receipt by the appellant of the decision in question unless the rules of competition state otherwise.
- 4.2.3. In the appeal of a lower level decision, one (1) complete copy of the appeal shall be sent to the chairperson of the lower level hearing board by the appellant.
  - 4.2.3.1. This shall serve notice of the appeal and offer the lower level authority the opportunity to respond in writing to the appeal board is such a response is deemed necessary.
  - 4.2.3.2. Upon receipt of the appeal, the lower level board shall submit a copy of the official document directory, all evidence, and any additional documents reviewed to the higher level appeal board.
  - 4.2.3.3. This submittal shall normally be posted within ten (10) days of receipt of the notice of appeal by any method that provides proof of delivery.
- 4.3. Filing Fees and Documentation.
  - 4.3.1. Level 1 filing fees and number of copies shall be established by the appropriate authority.
  - 4.3.2. The Level 2 filing fee shall be three hundred dollars (\$300.00) for appeals with five copies of the submittal. Filing fees shall be refundable should the appeal be upheld.
  - 4.3.3. Level 3 filing fees and documentation requirements are established by USSF.

## **5. PRE-HEARING PROCEDURES**

- 5.1. Validation and Review
  - 5.1.1. Upon the filing of an appeal or allegation of misconduct, the receiving authority shall conduct the following validation and review to determine the appropriate response or action to the filing. The Director of PAD may delegate all or portions of this validation and review to the Cal South Staff.
    - 5.1.1.1. Identify the principal parties involved.
    - 5.1.1.2. Determine that the parties involved in an appeal are in good standing with Cal South 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.
    - 5.1.1.3. 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.
    - 5.1.1.4. In the case of an allegation of misconduct, determine that charges made are specific, that rules allegedly violated are cited and sufficiently described, and a desired result is stated. For these purposes, a request for disciplinary action shall be an acceptable desired result.
    - 5.1.1.5. Determine that the proper authority has been addressed with the filing.

- 5.1.1.6. 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.
- 5.1.1.7. Determine if filing time requirements have been met.
- 5.1.2. 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.
  - 5.1.2.1. Normally, five (5) business days should be sufficient time for the conduct of the validation review.
  - 5.1.2.2. 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.
  - 5.1.2.3. 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 Director of PAD. This provision does not apply to referee assault in accordance with USSF Policy 531-9.
- 5.2. Notification of Hearing
  - 5.2.1. Notifications of receipt of a complaint and notification of the hearing date, time, and place may be made in separate notifications.
  - 5.2.2. 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.
  - 5.2.3. 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.
    - 5.2.3.1. Refusal to accept or sign for deliver 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.
    - 5.2.3.2. Confirmation of receipt (proof of deliver) at the address of record for the parties involved shall establish the date of delivery of the notification.
  - 5.2.4. Notifications shall contain the following at a minimum:
    - 5.2.4.1. A condensed statement of the cause of action.
    - 5.2.4.2. A copy of the rules or procedures allegedly violated.
    - 5.2.4.3. Reference to the applicable portions of the PAD Manual, which is available on-line at the Cal South website.
    - 5.2.4.4. The date, time, place and type of hearing.
    - 5.2.4.5. 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.

- 5.2.4.6. 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.
- 5.2.4.7. Any special requirements or reminders such as minors must be accompanied by an adult.
- 5.2.5. 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.
- 5.2.6. Defendants may request one reschedule of a notified hearing.
- 5.3. Negotiated Solutions to accusations of misconduct by the accused individuals may be established by the Director of PAD as a means of expediting resolution of allegations.
  - 5.3.1. 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.
  - 5.3.2. Negotiated Solutions should target minimum punishments under the guidelines of this PAD Manual.
  - 5.3.3. 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.
  - 5.3.4. Negotiated solutions shall be documented and the documentation retained with the filing package of the allegation of misconduct.
  - 5.3.5. Negotiated solutions shall not be appealed.

## **6. HEARING PROCEDURES**

- 6.1. Committee Composition and the Hearing Panel.
  - 6.1.1. The PAD Committee shall be trained in the PAD Manual and hearing procedures by the Director of PAD.
  - 6.1.2. The Director of PAD shall constitute a Hearing Panel from the membership of the PAD Committee taking into account the training status of the member, potential conflicts of interest, and the background and experience of the committee member.
    - 6.1.2.1. The Director of PAD should make an effort to comprise a panel that includes members with expertise and experience relative to the type of accusations made.
    - 6.1.2.2. The Director of PAD should make an effort to rotate assignments to Hearing Panels among the PAD Committee members.
  - 6.1.3. Each Hearing Panel shall be comprised of three members one of whom may act as a chairman. There may be a recording secretary who is not part of the panel.
    - 6.1.3.1. The Hearing Panel Chairman shall manage the hearing.

- 6.1.3.2. The Director of PAD may serve as the Hearing Panel Chairman.
  - 6.1.3.3. No Hearing Panel Member may serve on more than one Hearing Panel for the same incident or offense.
  - 6.1.3.4. Hearing Panel Members shall not have any material connection to the hearing or those involved as either accuser, accused, or witness, and shall not participate as a witness.
- 6.2. Recordings of the Proceedings. All hearings shall have a record generated and maintained for the proceeding.
- 6.2.1. 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.
  - 6.2.2. A transcript may be prepared upon the request of a party or Cal South, and at the expense of the requestor.
- 6.3. Hearing Scope
- 6.3.1. The scope of any hearing, either open or closed, shall be limited to the specific protest, appeal, or allegation of misconduct.
  - 6.3.2. 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.
  - 6.3.3. Witnesses, testimony, and evidence shall be limited to the specific allegations of misconduct or the specific case under appeal.
- 6.4. Evidence and Testimony
- 6.4.1. Documentary evidence may be presented at a hearing in support of either side of the issue at hand.
    - 6.4.1.1. 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.
    - 6.4.1.2. 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.
    - 6.4.1.3. 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.
    - 6.4.1.4. 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 Panel Chairman. If the referee is not available

to testify, the Hearing Panel may either dismiss the charges or reschedule the hearing (may be rescheduled once except in the case of an emergency).

- 6.4.1.5. Proof of age documents shall conform to those required in the Cal South Rules and Regulations. 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.

#### 6.4.2. Verbal Testimony and Witnesses

- 6.4.2.1. Testimony shall be limited to the principal parties, eyewitnesses, and recognized authorities on the subject such as a registrar or referee assessor.
- 6.4.2.2. All individuals have the right to question their accusers (if telephonically, through the Hearing Chairman)
- 6.4.2.3. 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.
- 6.4.2.4. 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.
- 6.4.2.5. Accused individuals may be allowed to testify via telephone if absolutely necessary with the prior approval of the Director of PAD.
- 6.4.2.6. Testimony and the number of witnesses may be defined by the Hearing Panel Chairman due to time restraints as stipulated in the Notification of Hearing sent to the principal parties.

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

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

#### 6.5. Hearing Procedures

##### 6.5.1. General Rules of Conduct

- 6.5.1.1. Minors under the age of 18 must be accompanied by a parent or legal guardian.
- 6.5.1.2. 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. A defendant may request prior to the

- 6.5.1.3. Plaintiffs and Defendants are allowed to remain in the hearing room throughout the testimony phase of the hearing.
- 6.5.1.4. Plaintiffs and Defendants shall be allowed to examine all documentary evidence presented and accepted at the hearing.
- 6.5.1.5. 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.
- 6.5.1.6. All questions or statements from involved parties shall be addressed to the Hearing Panel Chairman, who will ask the appropriate individual for an answer or rebuttal should the Hearing Panel Chairman deem the question pertinent.
- 6.5.1.7. 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.
- 6.5.1.8. 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.
- 6.5.1.9. The Hearing Panel Chairman may order an advisor out of the hearing room if he or she fails to properly conduct themselves according to this rule.
- 6.5.1.10. Incorporated by reference are the stipulations of USSF Bylaw 701, which outlines the rights of the accused.
- 6.5.2. Open Hearings shall be conducted according to the following procedure:
  - 6.5.2.1. All parties including witnesses are brought into the hearing room.
  - 6.5.2.2. All parties and the Hearing Panel shall sign an attendance sheet and introduce themselves.
  - 6.5.2.3. The Hearing Panel Chairman shall describe the case to be heard, including:
    - 6.5.2.3.1. Names of parties involved including teams, leagues, competition, etc.,
    - 6.5.2.3.2. Event involved,
    - 6.5.2.3.3. Date of the incident, and
    - 6.5.2.3.4. Rule numbers and a description of the rules allegedly violated.
  - 6.5.2.4. Witnesses are excused to an outer room, taking into account the requirement of minors to be accompanied by their parent or legal guardian.
  - 6.5.2.5. The Hearing Panel 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.

- 6.5.2.6. 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.
  - 6.5.2.6.1. Plaintiff presents their case. If the case is built on the match report of the referee, the referee may be cross examined by the defendant through the hearing chairman.
  - 6.5.2.6.2. Witnesses for the plaintiff are called individually.
  - 6.5.2.6.3. Defendant presents their case. Defendant is subject to cross examination by the Hearing Chairman. Hearing panel members may ask questions through the Hearing Chairman.
  - 6.5.2.6.4. Witnesses for the defendant are called individually.
  - 6.5.2.6.5. Witnesses are recalled as necessary. Hearing panel members may ask questions through the Hearing Chairman.
  - 6.5.2.6.6. Plaintiff provides a closing statement.
  - 6.5.2.6.7. Defendant provides a closing statement.
- 6.5.2.7. 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.
- 6.5.2.8. The Open Hearing is then adjourned and the parties excused.
- 6.5.2.9. The Hearing Panel deliberates. Each charge is discussed and voted upon and entered into the record of the hearing. If guilty, sentences are determined as appropriate.
- 6.5.2.10. 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.
- 6.5.2.11. The Hearing Panel 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.
- 6.5.3. Closed Hearings shall be conducted according to the following procedure.
  - 6.5.3.1. The Hearing Panel Chairman shall assemble the Hearing Panel and describe the case to be heard, including:
    - 6.5.3.1.1. Names of parties involved including teams, leagues, competition, etc.,
    - 6.5.3.1.2. Event involved,
    - 6.5.3.1.3. Date of the incident, and
    - 6.5.3.1.4. Rule numbers and a description of the rules allegedly violated.
  - 6.5.3.2. The Hearing Panel 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.

6.5.3.3. Written testimony shall be reviewed. Questions of those providing testimony may either be asked or answered via telephone or via written questions and responses.

6.5.3.4. The Closed Hearing is then adjourned and the Hearing Panel deliberates.

6.5.3.5. The Hearing Panel Chairman shall ensure the evidence packet including all decision letters and related documents are retained for a minimum of one year.

## 6.6. Hearing Decisions and Deliberations

### 6.6.1. Committee Voting

6.6.1.1. The members of the Hearing Panel shall decide each issue arising from the hearing by a voice vote.

6.6.1.2. The Hearing Panel Chairman may participate in the discussion of the evidence but shall not cast a vote unless a panel member has been recused.

6.6.1.3. The Director of PAD may participate as an observer only, unless the Director of PAD is serving as the Hearing Panel Chairman.

6.6.1.4. The Hearing Panel shall respond only to the specific issues and allegations contained in the complaint.

6.6.1.5. 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.

### 6.6.2. Written Decisions shall be provided for all Hearing Panel decisions.

6.6.2.1. 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 Cal South office for entry into the Cal South database.

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

6.6.3.1. Notification shall be accomplished by any means that provides proof of delivery.

6.6.3.2. Notification of the decision shall include a statement of the procedure for appeal.

## 6.7. Appeal Rights shall be communicated to each defendant upon notification of a final decision.

6.7.1. 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.

6.7.2. A sample notice of appeal document is provided in the Appendices to this PAD Manual.

## **7. PENALTIES AND FINES**

- 7.1. Guidelines for Sentencing are provided for Hearing Panels. Minimum and maximum sentences are generally provided.
  - 7.1.1. Referee assault and abuse by any persons shall be sentenced in accordance with USSF Policy 531-9.
  - 7.1.2. Assault of a person who is not a referee:
    - 7.1.2.1. Minimum thirty (30) day suspension;
    - 7.1.2.2. Maximum seven (7) year suspension.
  - 7.1.3. Falsification of Documents (See Cal South Rule 1.3.7):
    - 7.1.3.1. Minimum ninety (90) day suspension;
    - 7.1.3.2. Maximum seven (7) year suspension.
- 7.2. Alternative Penalties may be assigned as deemed appropriate by the hearing panel. Alternative Penalties may replace or reduce normal penalties.
- 7.3. Monetary Fines may be assessed at the discretion of the Hearing Panel. Fines paid shall be deposited into the Cal South General Fund. Guidelines associated with fines include:
  - 7.3.1. 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.
  - 7.3.2. Payment shall be by cashier's check, money order, credit or debit card made payable to Cal South and shall be delivered to Cal South clearly marked as a fine payment including the name of the defendant.
  - 7.3.3. Fine amounts shall be a minimum of fifty dollars (\$50.00) per infraction and a maximum of five hundred dollars (\$500.00) per infraction.

## **8. APPEAL HEARINGS**

- 8.1. Filing an Appeal is the right of any party to an original action who has been assigned a penalty or sentence. No appeal may be filed by any other party with the exception of a minor child, for whom an appeal may be filed by their parent or legal guardian.
  - 8.1.1. Appeals must be filed in writing in accordance with the filing procedures and fees of this PAD Manual.
  - 8.1.2. The filing of an appeal shall not stay or suspend either decisions or sanctions imposed by a Hearing Panel.
- 8.2. Scope and Authority of Appeals Hearings.
  - 8.2.1. An appeal hearing may be either a closed or an open hearing at the discretion of the appeal authority.

- 8.2.2. An appeal is not a retrial. The Hearing Panel 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.
- 8.2.3. Both parties involved in the hearing at the lower level may submit arguments in support of their position to the appellant Hearing Panel.
- 8.2.4. Appeal filings shall be validated and reviewed under the procedures of Section 5.1 of this PAD Manual to determine:
  - 8.2.4.1. The legal standing of the appellant to appeal.
  - 8.2.4.2. The appeal has been filed with the proper authority.
  - 8.2.4.3. Necessary documentation, copies, and fees have been submitted.
  - 8.2.4.4. The appeal states a factual basis for the appeal and requests a specific outcome if the appeal is upheld.
- 8.2.5. Validated appeal filings will then be processed by the Director of PAD to assemble a Hearing Panel, schedule a hearing, and make the necessary notifications per the procedures of this PAD Manual.
- 8.2.6. Review standards for Hearing Panels in the evaluation of an appeal include:
  - 8.2.6.1. 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.
  - 8.2.6.2. Established rules and procedures have been followed, including all applicable procedures of the appropriate league, gaming circuit, tournament, this PAD Manual, Cal South, 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.
  - 8.2.6.3. 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.
  - 8.2.6.4. Decisions may not contradict higher authority, including League, Gaming Circuit, or Tournament Rules and Procedures; Cal South Rules and Procedures; USYSA Rules and Procedures; USSF Rules and Procedures; and the U.S. Amateur Sports Act.
- 8.2.7. Hearing Panels may uphold a guilty verdict yet reduce the penalties, as warranted by the hearing.

## **9. APPENDICES**

- 9.1. Notice of Hearing (Sample Form)
- 9.2. Notification of Decision (Sample Letter)
- 9.3. Notice of Appeal (Sample Form)

John W. Doe, Player  
ID # 69805-801099

Express Mail  
March 13, 2007

Jane E. Doe, Parent  
123 Main St  
Anywhere, CA. 99999

### **Cal South Protest Appeals and Disciplinary - Open Hearing Notification**

John W. Doe, you are directed to appear at an open hearing to adjudicate charges in a complaint alleging violation of the following rules and policies:

Cal South Rule 3.5 – Referee Abuse / Assault  
Cal South Rule 3.5.1 – Touchline Misconduct  
USSF Rule 531-9 – Referee Abuse / Assault

**Date and Time: Sunday March 25, 2007 – 6:00PM**

**Location: Cal South Offices  
1029 S. Placentia Avenue  
Fullerton, CA 92831**

**Your appearance at this hearing is mandatory; failure to appear will not stop or delay adjudication.**

The allegations stem from an Open Cup Soccer match on March 2, 2006 at 3:30PM in Rialto. A copy of the USSF Referee Report and Supplemental Report are attached and detail the issues that occurred during and following the match.

The hearing will be conducted in accordance with Cal South PAD Hearing Procedures and you will be afforded due process including: proper notice, the right to bring up to three (3) witnesses (who have first hand knowledge of the incident) in your defense and you will have an opportunity to cross examine (through the hearing chairman) your accuser. Copies of the PAD Manual and Hearing Procedures are available on the Cal South Website. An impartial panel will adjudicate this matter.

If you are a minor child (under the age of eighteen years) YOUR PARENT OR LEGAL GUARDIAN must accompany you and give their permission for you to testify. THERE ARE NO EXCEPTIONS.

Cal South does not provide interpreters. If you need an interpreter, you must provide one in order to properly communicate with the PAD Committee and Hearing Chairman.

All parties have the right to have an advisor/attorney present at the hearing. The advisor may not directly participate in the proceedings and will restrict his/her comments and advice to the party being advised. The advisor may not question witnesses, present oral arguments, interrupt or object to the conduct of the hearing. Please see section 6 of the Hearing Procedures.

Following the conclusion of the hearing, the panel will deliberate and render a verdict. Written notification of the results will be mailed to you within seven (7) days. Please note that a guilty finding may subject you to a letter of reprimand, probation, fines, suspension and/or any alternative disciplinary action deemed appropriate.

Your decision notification letter will include an explanation of your right to appeal any adverse decision or disciplinary action rendered by the hearing panel.

Be advised of the following: Per Cal South Rule 3.4.5, any person who directly or indirectly attempts to, or threatens, dissuades, interferes, influences or impedes any witness, complaining party or member of the Cal South PAD Committee is subject to the sanctions of additional probation, suspension and/or fines.

Your conduct and demeanor during the hearing process is expected to be polite and courteous. As hearing chairman, you may contact me for additional information or support with respect to the procedures. I can not discuss the evidence or issues related to the charges against you.

Thank you,

Paul J. Doty:  
Date: 03/27/2007  
PAD Hearing Chairman

Cal South Vice President, David DeLeon  
Cal South District Commissioner

Attachments: Copies of all Notification Letters  
Referee Report, Supplemental Report, Match Report (Documented Evidence)  
Section 3 of Cal South Rules

Copy of Rules – <http://www.calsouth.com/downloads/Rule%20and%20Regulations%205-10-06.pdf>

Copy of Hearing Procedures -

John W. Doe, Player  
ID # 69805-801099

Express Mail  
March 13, 2007

Jane E. Doe, Parent  
123 Main St  
Anywhere, CA. 99999

### **Cal South Protest Appeals and Disciplinary – Decision Notification**

Cal South PAD Committee held an open hearing to adjudicate charges of misconduct by you, John W. Doe, on Sunday March 25, 2007. You were in attendance and participated in the proceedings. The hearing panel deliberated and discussed the evidence, testimony and personal statements made by you and the witnesses.

The panel found you guilty of Referee Abuse as defined by Cal South Rule 3.5 and USSF Rule 531-9. It was determined that your sentence will include a six month suspension from Cal South and all affiliated activities beginning on March 26, 2007. 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 charge of Touchline misconduct was dismissed for lack of supporting evidence. See attachments for specific definitions of suspension and probation.

The details of this disciplinary action will be entered and monitored in the CORIS online system. They will also be reported to US Youth Soccer and USSF for recording purposes.

Based on the adverse ruling and ensuing penalties, you have the right to request a Level 2 Appeal of this decision. The Cal South PAD Manual, Section 8, describes the procedures in detail. Your Appeal must be delivered to Cal South within ten days of receipt of this decision letter. Please include a filing fee of \$300.00 (refundable if your appeal is successful) with your request. Mail the request to:

Cal South PAD Committee  
1029 S. Placentia Avenue  
Fullerton, CA 92831

The filing of appeal shall not stay or suspend the decisions or sanctions imposed by this hearing panel.

Thank you,

Paul J. Doty  
Date: 03/26/2007  
PAD Hearing Chairman

Cal South Vice President, David DeLeon  
Cal South District Commissioner

Attachments and Definitions:

*Suspension* is a complete cessation of an official period wherein any and all activities with Cal South sanctioned or affiliated activities must cease. Suspension shall be a complete cessation of activities; suspended from one (League, State, Regional or National) is suspension from all. All affiliated members and organizations are required to observe the suspension of any member, or disciplinary action may result. 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).

*Probation* is an official period of warning wherein any further violations of US Soccer, United States Youth Soccer (USYS), Cal South, League, Gaming Circuit, Rules and Regulations or By-Laws may result in an immediate hearing without regard to stated time limits in this manual. The adjudicating authority may place conditions of Probation. Probation is not considered adverse action, and therefore may not be appealed, unless there are specific conditions of probation imposed with the period of probation. Specific conditions of probation that remove such benefits of membership are considered adverse action and may be appealed.

A complete copy of the Cal South PAD Manual is available at:  
[www.calsouth.com](http://www.calsouth.com) // Resources // PAD Manual

**NOTICE OF APPEAL**

**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 Telephone Number: \_\_\_\_\_

Home Fax Number: \_\_\_\_\_

Work Telephone Number: \_\_\_\_\_

Work Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**B: Opposing Party/National State Association Rendering Decision (The Appellee):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State Association Telephone Number: \_\_\_\_\_

State Association Fax Number: \_\_\_\_\_

Name of State Association 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