



Kentucky Youth Soccer Association

443 South Ashland Avenue, Suite 201, Lexington, Kentucky 40502

www.kysoccer.net

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PROTESTS AND APPEALS

USSF BYLAWS

HEARINGS GRIEVANCES, DISPUTES AND APPEALS

Bylaw 701. HEARING PROCEDURES

In all hearings conducted under these bylaws, the parties shall be accorded —

- (1) notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true;
- (2) reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
- (3) the right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
- (4) a hearing before a disinterested and impartial body of fact-finders;
- (5) the right to be assisted in the presentation of one's case at the hearing;
- (6) the right to call witnesses and present oral and written evidence and argument;
- (7) the right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing;
- (8) the right to have a record made of the hearing if desired; and
- (9) a written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

Bylaw 702. OPPORTUNITY TO PARTICIPATE

Section 1. Fair notice and an opportunity for a hearing shall be accorded to any amateur athlete, coach, trainer, manager, administrator, or official before the Federation may declare that individual ineligible to participate in any amateur athletic competition. The procedures of



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Bylaw 703 apply to any administrative proceeding brought by the Federation against such an individual.

Section 2.

(a) Neither the Federation nor any Member of the Federation may --

- (1) deny or threaten to deny any amateur athlete, coach, trainer, manager, administrator or other official the opportunity to compete in the Olympic Games, Pan American Games, World Championship competitions or such other "protected competition" as defined in the USOC Constitution; and
- (2) subsequent to that competition, censure or otherwise penalize any such individual who participates in any such competition.

(b) Any individual identified in subsection (a) of this section who alleges that he or she has been denied by the Federation or a Member of the Federation a right established by subsection (a) of this bylaw shall immediately inform the President of the Federation and the Federation's USOC Athletes' Advisory Council representative who shall cause an investigation to be made and steps to be taken to settle the controversy. Notwithstanding any efforts taken by the Federation to settle the controversy informally or through the Federation's grievance procedures set forth in these bylaws, the individual may refer the matter to the Executive Director of the USOC for action, as appropriate, under Article IX of the USOC Constitution.

Bylaw 703. GRIEVANCES RELATED TO OPPORTUNITIES TO PARTICIPATE

Section 1. A grievance may be filed by any Athlete, or other eligible athlete, coach, trainer, manager, administrator, or official regarding that individual's opportunity to participate in, or to attempt to qualify for selection to participate in, (1) any amateur athletic competition, (2) any soccer event of the Pan American Games, the Olympic Games, World Championship competitions, or (3) any other "protected competitions" as that term is defined in Article 1, section 2(G), of the USOC Constitution. Any grievance must be made in writing and signed under oath by the person(s) presenting the grievance, and must state the full name(s) and addressees of the athlete, coach, trainer, manager, administrator, official, the Federation, another organization which is a member of the Federation, a committee of the Federation or a committee of a Member of the Federation against whom the grievance is made, and must include with specificity a complete statement of the acts which constitute the grievance, including the requested relief sought. The maker(s) must be prepared to substantiate the



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grievance at a hearing by personal testimony of a witness or witnesses with personal knowledge subject to cross-examination and by sworn statements, other witnesses and by other competent evidence. The accused shall have the right to be assisted in the presentation of his or her case at the hearing, including the assistance of legal counsel (if desired), the right to call witnesses and present oral and written evidence and argument, the right to confront and cross-examine adverse witnesses, and the right to have a record made of the hearing if desired.

Section 2. The grievance should be addressed to the President and should be transmitted to the attention of the Secretary General at the Federation office by hand delivery or by certified mail or by facsimile as soon as practicable following the events which are the subject of the grievance.

Section 3. As soon as practicable after the receipt of the grievance, the Secretary General shall promptly communicate informally with the parties and the President of the Federation and the Federation's USOC Athletes' Advisory Council representative, and they shall make every effort to resolve the grievance to their and the parties' mutual satisfaction. If unsuccessful, the Secretary General shall, without prejudice to the right of the complainant to pursue remedies available under the Amateur Sports Act and the USOC Constitution, arrange for a prompt hearing of the grievance by a Hearing Committee. The Hearing Committee shall be appointed by the President in the manner prescribed in section 3(b) of Bylaw 704.

Section 4. Any person, committee, or association against whom a grievance has been filed is entitled to a hearing. The hearing shall be after advance written notice of (1) the specific charges or alleged violations, and (2) the time, place, and opportunity to participate in person and by counsel or other representative given to the person or persons presenting the grievance, the accused and all other possibly affected parties. Notices of hearing must be accompanied by a copy of the written grievance and shall set forth the possible consequences if the charges are found to be true.

Section 5. The Hearing Committee shall review the record of any grievance hearing and promptly issue its written findings and determination based on the evidence of record in accordance with Bylaw 701, which shall be final and binding upon the parties, except as otherwise provided in the Constitution and Bylaws of the USOC.

Section 6. The hearing shall take place no earlier than 20 days after receipt of notice by the person charged and not later than 60 days from such receipt so as to ensure that the person charged has sufficient time to prepare a defense. In emergency situations, these time periods may be shortened by the Hearing Committee in order to expedite a hearing as practical to resolve a matter relating to a scheduled competition.



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Bylaw 704. DISPUTES AND GRIEVANCES BY OR AMONG

ORGANIZATION MEMBERS

Section 1. Any complaint by one Organization Member against another Organization Member or any complaint by an individual or an Organization Member which alleges that (A) an Organization Member has failed to comply with its membership requirements in the Federation, or (B) the Federation has failed to comply with its membership requirements in the USOC shall be in writing and signed under oath by the individual or the chief executive of the Organization Member making the complaint. The complaint shall be filed with the Secretary General by certified mail with a copy served on the other parties by certified mail at the same time. The complaint shall set forth the factual allegations in numbered paragraphs with each paragraph containing a single factual allegation. The complaint shall contain also, at a minimum --

- (1) the names and addresses of the parties;
- (2) the alleged grounds of noncompliance;
- (3) supporting evidence or documentation forming the basis of the complaint; and
- (4) the relief sought.

Section 2. An answer to the complaint, shall be filed by the respondent with the Secretary General by certified mail, with a copy served by certified mail on the parties, within 30 days after the filing of the complaint. If the respondent is without sufficient knowledge or information to admit or deny a given factual allegation, the respondent may so respond. Failure to file an answer within the requisite time period shall serve as a default, except upon a showing of good cause.

Section 3.

(a) The complaint and answer shall be referred to the Board of Directors for a hearing on the merits of the complaint. However, any member of the Board of Directors having a direct interest, either personally or by virtue of an organizational membership affiliation, in the outcome of the proceedings, shall be disqualified from adjudicating the complaint. A hearing by the Board of Directors shall be held not later than 90 days after filing the complaint. The Board of Directors shall render its decision within 30 days after the hearing on the complaint.



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(b) If the President believes it will serve the interest of expeditious consideration of the complaint, the President may, with the approval of the Executive Committee, appoint a hearing panel of 5 voting members of the Board of Directors to hear evidence on the complaint. If appointed, such a panel shall consist of one Federation officer (who shall chair the panel), one representative from each the Youth, Adult and Professional Councils and one Athlete; but shall not include any member of the Board having direct interest, either personally or by virtue of organizational affiliation, in the outcome of the proceeding. The appointed panel, shall convene as expeditiously as possible; shall hear evidence presented by the parties in accordance with the hearing procedures set forth in these Bylaws; and shall prepare and submit a full written report (1) summarizing the evidence for the Board of Directors, and (2) forwarding to the Board of Directors any written materials requested by the parties. Upon receipt of the report and materials, the Board of Directors may elect to receive further written or oral evidence or presentations, or may make its decision based on the report and materials submitted by the panel.

Section 4. There shall be no right of appeal to any other Federation body from a determination of the Board of Directors under this bylaw.

Bylaw 705. APPEALS PROCEDURES

Section 1. The Appeals Committee shall hear and determine appeals from decisions rendered by State Associations relating to activities sponsored by the Federation and the State Association or its members. The decision of the Appeals Committee is final. The Appeals Committee has the power to call for the production of any documents and evidence the Appeals Committee may require.

Section 2. An appeal shall be made in accordance with procedures established by the Board of Directors and is begun by submitting a notice of appeal within 10 days from the date of the official receipt of the decision by the party making the appeal. Copies of the notice of appeal shall be sent to all opposing parties and to the Appeals Committee or other body whose decision is being appealed.

Section 3. The notice of appeal shall be accompanied by the appeal fee in the form of money order or cashier's check in an amount determined by the Board of Directors. The appeal fee shall be retained by the Federation.

Section 4. The appeals committee or other body whose decision is being appealed shall within the 10 days of the date of the notice of appeal shall forward to the Secretary General and to all parties the official record utilized by it in making its decision. Parties should not resubmit documents contained in the official record.



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Section 5. Within the 20 days of the date of the notice of appeal, the appealing party shall submit to the Secretary General any argument it wishes to make in support of the appeal and shall furnish copies of the argument to all opposing parties and to the appeals committee or other body whose decision is being appealed.

Section 6. Within 30 days of the date of the notice of appeal, all opposing parties shall submit to the Secretary General any argument they wish to make in opposition to the appeal.

Section 7. A decision rendered by a State Association from which an appeal is taken is not suspended pending the final decision of the Appeals Committee unless the Committee otherwise orders. The decision of the State Association may be upheld, reversed, or reversed and remanded.

Bylaw 706. ARBITRATION

The Federation shall submit the following to binding arbitration conducted under the auspices of the American Arbitration Association in accordance with its commercial rules in effect:

- (1) any controversy involving its recognition as a national governing body for the sport of soccer, as provided in the Amateur Sports Act and the USOC Constitution and Bylaws; and
- (2) any controversy involving the opportunity of any Athlete, coach, trainer, manager, administrator, or official to participate in any amateur athletic competition or the Olympic Games, Pan American Games, World Championship competitions, or any other "protected competition" as defined under the Amateur Sports Act and the USOC Constitution and Bylaws.

Bylaw 707. LITIGATION

Section 1. No Organization Member, official, league, club, team, player, coach, administrator or referee may invoke the aid of the courts in the United States or of a State without first exhausting all available remedies within the appropriate soccer organization, and as provided within the Federation. This bylaw does not apply to the commencement of an arbitration proceeding under these bylaws or the USOC Constitution and Bylaws or the enforcement of a decision rendered in such a proceeding.



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Section 2. For a violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to the Federation for all expenses incurred by the Federation and its officers in defending each court action, including but not limited to the following:

- (1) court costs.
- (2) attorney's fees.
- (3) reasonable compensation for time spent by Federation officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances.
- (4) travel expenses.
- (5) expenses for holding special National Council meetings necessitated by the court action.

(FORMER REGULATION 3510)

Protests and Appeals

Section 1 Remedies

In the matter of Protests and Appeals, no person(s) associated with the operations of the Association at any level (team, league, organization, district, state) may invoke the aid of the courts of any state of the United States without first exhausting all available remedies within the Association/USYSA/USSF, including a final appeal to the USSF Council.

Section 2 Violations

For violations of the above, the offending party(ies) shall be subject to the sanctions of suspension and fines, and shall be liable to Association/USYSA/USSF for all expenses incurred by the Association/USYSA/USSF in defending each court action, including but not limited to the following:

- (1) Court costs;
- (2) Attorneys' fees;



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(3) Reasonable compensation for time spent by Association/USYSA/USSF officers and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances;

(4) Travel expenses; and

(5) Expenses for holding special Association/USYSA/USSF meetings necessitated by the court action.

Section 3 Appeals of Member Organizations' Decisions

(1) Any appeal of a decision of an Member Organization shall be entertained and adjudicated by the Association as specified in the State Regulations.

(1) Procedures for appeal shall be as stated in the State Rules. All appeal fees shall be forfeited to the Association when the appeal is dismissed and the original action is approved.

PROTEST AND APPEALS PROCEDURE

Section 1 Initiation of Appeals

(1) Only violations of the Association Constitution, By Laws, State Rules and Tournament Rules, misapplication of the "Laws of the Game" or violations of Member Organization Rules and Regulations, provided the latter are within the framework of the Association Constitution, By Laws, and State Rules, shall be proper subjects to be considered for action;

(2) In all Member Organization matters, the Member Organization's Association District Tribunal within each district, shall provide procedures for protests and the hearing of an appeal and not until that procedure has been completed and an adverse decision rendered on the matter in question, will it be forwarded to the Association Arbitration Council;

(3) Should any person, team or Member Organization desire to appeal any adverse decision, communication shall be from the Member Organization to the District Commissioner; from the District Commissioner to the Chair of the Arbitration Council; from the Council to the Association State Board of Directors; from the State Board to the USYSA Region 2B Appeals Committee;



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- (4) Should any hearing body choose not to hear a protest or appeal, that body may, if they desire, refer the matter directly to the next higher authority;
- (5) Upon receipt of any adverse decision, appeal may be made to the next higher authority; and
- (6). Protests or appeal are to be in writing and delivered to the District Commissioner and Member Organization within five (5) calendar days (Sundays and holidays excluded) following the date of the Member Organization's disciplinary decision being protested or appealed. The proper fee and ten (10) copies of the appeal and any supporting documents must be enclosed:
- (7) The protest and appeal fee shall be \$50.00 for all protests/appeals brought before the District Tribunal, and \$50.00 for all protests/appeals brought before the Arbitration Council.
- (8) The number of copies of documentation shall be 10 copies for both the District Tribunal and the Arbitration Council.
- (9) The protest or appeals fee shall be returned if the protest or appeal is upheld. This fee shall be retained if the protest or appeal is denied, unless the council is overruled by a higher authority.

Section 2 Consideration of Appeals

- (1) The Council shall consider all pertinent information arising out of an appeal of a District Tribunal's disciplinary action. The decision of the Council shall be conveyed, in writing, to the party initiating the appeal and a copy of the decision along with all pertinent information and findings, shall be filed with Association and the involved Member Organization;
- (2) Any decision rendered by the Council may be appealed to the full Association State Board. Such appeal must be postmarked within five (5) days of receipt of the Member Organization's disciplinary action decision being appealed. No additional fee shall be required at this point. The President shall set a date for the hearing of the appeal to the State Board. Such date shall be within forty-five days of the date of the decision rendered by the Council;
- (3) At the State Board Hearings, the Chair of the Council shall present the findings of the Council to the State Board. The parties involved shall have the opportunity to present their case. The decision of the State Board shall be conveyed by the Secretary, in writing, within seven (7) days of the decision. This decision may be appealed as outlined in USSF 2013 for appeals beyond the state level;
- (4) No person(s) associated with the operations of Association at any level (team, league, organization, district, state) may invoke the aid of the courts of any state or of the United



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States without first exhausting all available remedies within Association/USYSA/USSF (See Article III, Section B of the Association By Laws); and

(5) For violation of Rule 5 Section 2D, the offending party(ies) shall be subject to the sanctions of suspension and fines and shall be liable for all expenses incurred as provided in Association By Law III, Section 2.

Section 3 Procedure for Appeals

The purpose of the Association appeal procedure is to provide a fair consideration of matters in dispute within the family of Association and its member organization. Nothing in the procedure shall take precedence over the Rules of Association, USYSA and of USSF.

A. Manner of Appeal

1. Appeals beyond this level of the local association shall be made by filing a notice of appeal, in a form designated by the Association State Board of Directors. The appealing party shall send the notice to the District Commissioner or the Vice President, as appropriate for the level of appeal.

2. The notice shall be complete and shall be signed by the appealing party. It shall be sent by certified mail, return receipt requested. The postmark must be within the time for appealing as specified by Association Rules. At the same time, a copy of the notice shall be sent by the appealing party to the other party in the controversy.

3. The notice of appeal shall include a list of documents placed in evidence at the original hearing or at the local level of appeal. The list shall indicate what documents are in the hand of the appealing party and what documents are in the hands of the opposing party.

B. Appeal Documentation

1. Within five days after mailing the notice of appeal, the appealing party shall send the appeal documentation to the District Tribunal and to the opposing party.



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2. Appeal documentation shall include the following:

a. Copies of all documents stated on the notice of appeal to be in the hands of the appealing party (no additional evidence, not listed in the notice or appeal, may be submitted without the advance permission of the tribunal).

b. Arguments supporting the appealing party's position on each of the issues.

c. A statement that a copy of the appeal documentation has been mailed or delivered to the opposing party.

C. Opposing Party Obligations

1. Within five (5) days after receipt of the notice of appeal, the opposing party shall send the tribunal and the appealing party copies of the documents stated in the notice of appeal to be in the opposing party's hand or an explanation of their absence.

2. Within five (5) days after receipt of the appeal documentation, the opposing party shall send its arguments of the issues to the tribunal and the appealing party.

D. Powers of the Tribunal

The District Appeal Tribunal shall be empowered to return or reject any notice of appeal, appeal documentation or claim of appeal if this procedure is not followed. The Tribunal may extend the time for completion of any filing of documentation upon the showing of sufficient reason by the party requesting the extension of time. As used in this procedure the 'Tribunal' includes the District Commissioner, and two (2) neutral alternates appointed by the President. The opposing party in a dispute shall be that person or entity which is the subject of disciplinary or procedural action or that entity which took disciplinary or procedural action and which did not file the appeal.

Questions regarding procedure MUST be submitted in writing to the Vice President.



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Section 4 - Appeal Document Instruction

Begin numbering documents with #1. Document #1 should always be the original appeal. Continue numbering consecutively without skipping numbers. Document #2 should always be the original decision being appealed.

PLEASE PRINT OR TYPE USING THE FOLLOWING FORMAT:

APPEAL DOCUMENT DIRECTORY

DOCUMENT NUMBER	DATE OF DOCUMENT	DOCUMENT TITLE OR DESCRIPTION	PERSON HOLDING DOCUMENT
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(Appealing party or opposing party)

1. Your notice of appeal and payment **MUST** be sent within five (5) days after your receipt of the decision you are appealing. Otherwise, your appeal and fee will be returned and there will be no further action taken. Send your documents to the Appeal Tribunal within five (5) days after the date of your notice of appeal.

2. Your appeal **MUST** include your statement of errors which have been made in your case which provide the basis for your appeal. Your statement **MUST** specifically include all grounds for appeal you have marked and made specific references to in your Appeal Document Directory.



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3. Consideration of appeals will be limited to the specific facts, rules and procedures at issue. Do not refer to matters not relevant to your appeal.

4. All appeal fees will be held until a decision becomes final by virtue of no further appeal being made by either side.

APPEAL DOCUMENTATION

Within five (5) days after mailing the notice of appeal, the appealing party shall send the appeal documentation to the Appeal Tribunal and to the opposing party.

1. Copies of all documents stated on the notice of appeal are to be in the hands of the appealing party (no additional evidence not listed in the notice of appeal, may be submitted without the advance permission of the Tribunal).

2. Arguments supporting the appealing party's position on each of the issues.

3. A statement that a copy of the appeal documentation has been mailed or delivered to the opposing party.

OPPOSING PARTY OBLIGATIONS

1. Within five (5) days after receipt of the notice of appeal, the opposing party shall send the Tribunal and the appealing party copies of the documents stated in the notice of appeal to be in the opposing party's hand or an explanation of their absence.

2. Within five (5) days after receipt of the appeal documentation, the opposing party shall send its arguments of the issues to the Tribunal and the appealing party