

They appealed. Now what?

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AGENDA

A&D Hearing Results Notification

Rights of the parties

Appeal Rights

Handling an Appeal



A&D Hearing Results

○Reminder of Decisions

- Must be in writing and include:
 - Decision of Committee
 - Rules applied to reach the decision
 - Appeal rights including fee, time frame for filing, and method of appeal
- Send a copy to NTSSA
- Even if the decision is given verbally, it must be followed up in writing



A&D Hearing Results

○ The Right to Appeal

- No one likes to have their decision overturned
- All parties have the right to appeal
- Check your bylaws for next step in appeal rights
- Clock starts when they receive the decision
- Differentiate appeals and protests



Rights of the Parties

The eleven rights of the parties are listed below and are guaranteed by both the US Soccer Federation Bylaw 701 and NTSSA Bylaw 2.1.3.5 Good Standing of member Association

- Member Association will provide equitable and prompt hearing and appeal procedures to guarantee the rights of individuals to participate and compete and ensure due process to the accused. In all hearings conducted, the parties shall be accorded the following:

1. Notice of all specific charges or all violations in writing and possible consequences if the charges are to be found 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;



Rights of the Parties (cont'd)

5. The right to be assisted in the preparation 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 if requested;
8. The right to have a record made of the hearing if requested in advance with all costs to be paid by the requestor;
9. A written decision, with the reason for the decision based solely on the evidence of record issued in a timely fashion and including appeal rights and procedures;
10. Notice of any substantive and material action of the hearing panel in the course of the proceedings;
11. Equality concerning communications, and no ex parte communication is permitted between a party and any person involved in making a decision or procedural determination except to provide explanations involving procedures to be followed.



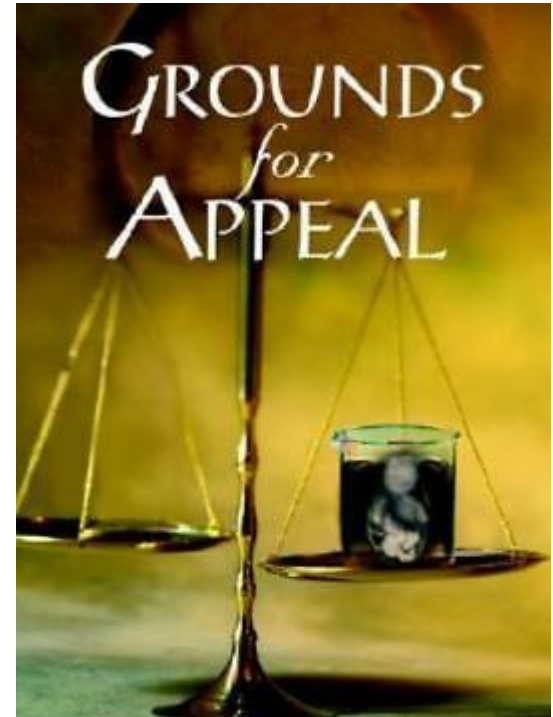
Appeal Rights

- To appeal the decision of the A&D Committee
 - the request must be made in writing
 - determination of the merit or validity of the request
 - chairman sets the time, date and place for the appeal hearing
 - the appeal hearing follows the same guidelines and procedures as the initial hearing



Appeal Rights

- What are grounds for appeals?
 - failure to comply with appropriate bylaws, rules, or regulations
 - bylaw, rule, or regulation fails to conform with the rules of US Youth, USSF, or FIFA or the rule has been applied arbitrarily under the facts of the appeal
 - disagreement as to the facts as determined by the entity whose decision is being appealed
 - failure of the entity whose decision is being appealed to provide the party with due process



Appeal Rights

- Most common appeal reason:
 - lack of due process including:
 - hearing was not before a fair and impartial committee
 - lack of proper notification of the appeal rights



Appeal Rights

So you are in receipt of an appeal request

- Was the request received within the appropriate time?
- Was the request accompanied by the appropriate appeal fee?
- Look to your bylaws to determine who will hear the appeal
 - Does your Association Executive Committee or
 - Does the appeal go to North Texas
- Determine if the case has merit
 - Utilize your resources including NTSSA A&D Chair



Example 1

Example of a notice of appeal received by NTx A&D
- Local association referred to NTx to hear the appeal

Notice of Appeal

Check only one: NTSSA Appeals & Disciplinary Committee NTSSA Executive Committee

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

Name: _____

Address: _____ City: _____ Zip _____

Telephone: h _____ w _____ fax _____

Email: _____

B. Opposing Party: ("Appellee")

Name: _____

Address: _____ City: _____ Zip _____

Telephone: h _____ w _____ fax _____

Email: _____

C. Committee Whose Decision is Being Appealed: (Last Heard By)

Name: _____

Chairman: _____

Decision Date: _____

Appellant: Please be sure to attach a copy of the decision letter to this notice of appeal

D. Date Decision was Received by Appellant: _____

E. Briefly List the Reasons You are Appealing this Decision:

The hearing was violating all bylaws and rules that are stated in the N. Tx book . The Acting chairman _____ was hostile and very angry towards the head coach and myself . The hearing was neither fair , or non bias . She was accusing myself and head coach _____ of false accusations the whole hearing and swayed the committee from the beginning of the meeting to the end . The hearing was a personal attack from _____ and she has stated on more than one occasion that she is not fit for this . The hearing penalty was not just noe fair . We have been coaching for years and have multiple children whom play for N TX , Never have we been in trouble or have broken any laws . The hearing was done unjustly and not proper per N TX bylaws .

Example 1

Example of a NTx Appeal notification letter
- Local association referred to NTx to hear the appeal

Oct [REDACTED]
Mr [REDACTED]
[REDACTED]

ORIGINAL SENT - FIRST CLASS MAIL
CERTIFIED MAIL # [REDACTED]
Return Receipt Requested
Via Email - [REDACTED]

Dear Mr [REDACTED]

The NTSSA Appeals & Disciplinary Committee met on Oct [REDACTED] to consider an appeal filed by [REDACTED] of a disciplinary decision issued by the [REDACTED] Association A&D Committee on Sep [REDACTED]. The decision was reached due to the belief that Mr [REDACTED] conduct was called into question when the [REDACTED] Office had received a complaint from Mr [REDACTED], one of the parents on the [REDACTED] team accusing Mr [REDACTED] of violating the 50% rule and also allowing [REDACTED] older daughter to play in [REDACTED] younger daughters team during the [REDACTED] Tournament.


The committee considered the testimony and evidence presented by all parties in attendance. Mr [REDACTED] testified that [REDACTED] did not break any rules and has never been charged with any violations in the past.

It is the opinion of this committee that:

- (1) Mr [REDACTED] was never actually named in Mr [REDACTED] complaint. Only Coach [REDACTED] was named in the complaint.
- (2) Evidence was never presented that the daughter actually played in the tournament. A team picture was presented into evidence that showed girls holding trophies. Not a single identifiable witness ever collaborated the older daughter actually played in a tournament game.
- (3) As an assistant Coach, [REDACTED] did not share in substitution duties with Coach [REDACTED]. Testimony presented to the committee showed that Mr [REDACTED] had been ill during the tournament and [REDACTED] had [REDACTED] daughter helping out in [REDACTED] absence. The rosters presented by [REDACTED] Soccer confirmed that Mr [REDACTED] was not listed on the roster. The Coach is responsible for everything that happens on a team including substitution.

It is the decision of this committee that Mr [REDACTED] appeal be upheld and [REDACTED] shall be removed from suspension effective immediately.

This decision may be appealed to the North Texas State Soccer Executive Committee. In the event that either party should appeal this decision, consideration of appeals will be limited to the specific facts and issues contained in the documents presented at the NTSSA Appeals & Disciplinary Committee Hearing and only the appellant, appellee and two representatives for each side may give testimony at the appeal hearing. This appeal must be in writing, within five (5) days from receipt of this letter. The appeal must be accompanied by a \$100.00 appeal fee, payable to North Texas State Soccer Association, in the form of cash, cashier's check, or money order. A copy of this letter is also being forwarded to you by regular mail. If you need additional information regarding the appeal process, please contact the North Texas State Soccer office.

Regards,


Example 2

Example of a notice of appeal received by NTX A&D
- Local association referred to NTX to hear the appeal

Notice of Appeal

Check only one: [Redacted] Executive Committee NTSSA Appeals Committee
 NTSSA Executive Committee

A. Individual / Organization Filing Appeal: ("Appellant")
Name: [Redacted]
Address: [Redacted] City: [Redacted] Zip: [Redacted]
Telephone: h [Redacted] w [Redacted] fax [Redacted]
Email: [Redacted]

B. Opposing Party: ("Appellee")
Name: [Redacted]
Address: [Redacted] City: [Redacted] Zip: [Redacted]
Telephone: h [Redacted] w [Redacted] fax [Redacted]
Email: [Redacted]

C. Committee Whose Decision is Being Appealed: (Last Heard By)
Name: [Redacted]
Chairman: [Redacted]
Decision Date: [Redacted]

Appellant: Please be sure to attach a copy of the decision to this notice of appeal

D. Date Decision was Received by Appellant: [Redacted]

E. Briefly List the Reasons You are Appealing this Decision:
Referee Report is an embellished version of what actually happened.
Director of Referees report (Witness) written 3 weeks after the incident
Punishment excessive for this type of incident
Questionable Due Process

Example 2

Example of a NTx Appeal notification letter
- NTX denied the request to appeal the original decision

June [REDACTED]

Mr [REDACTED]
[REDACTED]
[REDACTED]

ORIGINAL SENT – FIRST CLASS MAIL

CERTIFIED MAIL # [REDACTED]

Return Receipt Requested

Via Email - [REDACTED]

Dear M [REDACTED]

The NTSSA Appeals & Disciplinary Committee met on June [REDACTED] to consider an appeal filed by [REDACTED] on a disciplinary decision issued by the [REDACTED] Association A&D Committee on April [REDACTED]. The decision was reached due to the belief that M [REDACTED] conduct was called into question when the [REDACTED] Association received a complaint from the Center Referee [REDACTED] and [REDACTED] Referee Director. M [REDACTED] cites the punishment was excessive as his primary reason for appeal.

The committee considered the testimony and evidence presented by the coach in attendance. M [REDACTED] testified that [REDACTED] did not break any rules and the referee never warned [REDACTED] or even ejected him during the game. [REDACTED] did not find out until later the [REDACTED] had been ejected. One of [REDACTED] appeal points was that M [REDACTED] did not file [REDACTED] complaint until three weeks after the incident.

It is the opinion of this committee that the referee never disciplined M [REDACTED] during the game; however, M [REDACTED] is the current A&D Chairman on the [REDACTED] as well as a referee. [REDACTED] conduct criticizing the referee during the performance of her duties would be considered a violation of the Referee's Code of Conduct. [REDACTED] should have held [REDACTED] to a higher level befitting the status that [REDACTED] holds in the soccer community. Normally a member is suspended for each title that [REDACTED] holds; one for being the A&D Chairman, one for being a referee, and one for being a Coach. The committee felt that since [REDACTED] was never warned or ejected, a two game suspension was excessive but [REDACTED] action on the field by [REDACTED] own testimony warrants a one game suspension.

It is the decision of this committee that M [REDACTED] appeal be denied and the two (2) game suspension shall be lowered to just one (1) game.

This decision may be appealed to the North Texas State Soccer Executive Committee. In the event that either party should appeal this decision, consideration of appeals will be limited to the specific facts and issues contained in the documents presented at the NTSSA Appeals & Disciplinary Committee Hearing and only the appellant, appellee and two representatives for each side may give testimony at the appeal hearing. This appeal must be in writing, within five (5) days from receipt of this letter. The appeal must be accompanied by a \$100.00 appeal fee, payable to North Texas State Soccer Association, in the form of cash, cashier's check, or money order. A copy of this letter is also being forwarded to you by regular mail. If you need additional information regarding the appeal process, please contact the North Texas State Soccer office.

Local Association Bylaws – Example 1

IX. APPEAL OF KSA BOARD ACTION

- A. Any decision of the KSA Board or A&D Committee is final. The only appeal is to NTSSA and shall be in accordance with NTSSA regulations.
- B. In no event shall any person or persons or organizations under the jurisdiction of KSA invoke the aid of the Courts, without first exhausting all available remedies and appeals within the appropriate soccer organizations including a final appeal to the Annual General Meeting of the USSF National Council.
- C. For violations of this rule, the offending party shall be subject to the sanctions of suspension and fines, and shall be liable to KSA for all expenses incurred by the KSA, its Directors, Contract Staff and its members in defending each court action, including but not limited to court costs, attorney's fees, reasonable compensation for time spent by KSA Directors, Contract Staff and members in responding to and defending against allegations in the action, including responses to discovery and court appearances, travel expenses, and the expenses for holding special meetings necessitated by the Court action.

Local Association Bylaws – Example 2

ARTICLE 2.4 - BOARD OF DIRECTORS

2.4.1 - Board of Directors: The business and affairs of the Association shall be managed by its Board of Directors, which shall consist of the elected Officers, appointed Directors of this Association, Division Commissioners and Trustee(s), each of whom will be entitled to one vote. The Board of Directors shall transact all business of the Association and shall have the power to enforce the Laws of the Games, Rules of the North Texas State Soccer Association, the United States Soccer Federation and its respective members, and the Bylaws and Rules and Regulations of this Association including, without limitation, all membership terminations, forfeitures, cancellations, expulsions, suspension, or censures. The Board of Directors shall also hear appeals of decisions of the Appeals and Disciplinary Committee.

- Members of the Board must be at least eighteen (18) years of age.
- Members of the Board will serve without pay.

Local Association Bylaws – Example 3

3. Should a recreational Playing League cover multiple Associations, the members of the Appeals and Discipline Committee for this league should be comprised of representatives from each available association represented. The NTSSA A&D Committee shall serve as the first level of appeal involving complaints from participants of differing Associations. If a Playing League is hosted by a primary Association, the Appeals and Discipline Committee may be comprised of members of that Association.

As guidance, if the issue at hand was as a result of play, the Playing League will handle the disciplinary matter. All other matters shall be directed to coach/individual/teams home Association.