

The Fundamentals of A&D

A beginner guide to understanding the A&D
(Appeals & Disciplinary) process

Agenda:

- Your Responsibilities as A&D
- What is A&D? Grasping the Concept
- What defines Due Process & why is it important?
- Received a Complaint... Now what?
- Hearing Process
 - Notification of Hearing
 - Selecting a Committee
 - Preparation and Procedures
 - Hearing guidelines & Recommendations
 - Reaching a determination
- Notification of Findings
- The Right to Appeal
- Points of Contact
- Questions

Your Responsibilities as A&D

Member Associations are charged with the responsibility of ensuring NTSSA Rule 3.11 – Discipline is distributed to every youth and adult player, coach, team manager, league administrator, and referee. It is intended that each player will share the contents of this rule with his or her parents and spectators.

The Member Association's Appeals and Disciplinary Committees are directed to extend severe punishment to those players, coaches, and assistant coaches who are guilty of extreme violent conduct while participating in a match and for violence toward any person or property after being ejected, while on the touchline or approaching or leaving the game site

If the coach, assistant coach, or manager is unable to control his or her spectators, the Member Association is directed to take appropriate actions toward the identifiable, unruly spectator, or if unidentifiable; towards the coach or team itself.

• **What is A&D? Grasping the Concept**

- Providing a Fair Hearing to the all parties
 - Listening to the facts and evidence, for the sake of adjudication; a session of a court for considering proofs and determining issues
 - Members may set the ground rules
- Hearings are not personally motivated
- Was it presented to you in writing, or did you have to chase the information?
- Always Err on the side of the accused.
 - Listening to the facts and evidence, for the sake of adjudication; a session of a court for considering proofs and determining issues
 - Members may set the ground rules

Completing Due Process

- Ensuring the rights of the parties
 - Notice of all specific charges or alleged violations in writing and possible consequences if the charges are to be found true;
 - Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
 - The right to have the hearing conducted at a time and place to make it practicable for the person charged to attend;
 - A hearing before a disinterested and impartial body of fact finders;
 - The right to be assisted in the preparation of one's case at the hearing;
 - The right to call witnesses and present oral and written evidence and argument

Completing Due Process Con't.

- The right and ability to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing if requested;
- The right to have a record made of the hearing if requested in advance, with all costs to be paid by the requestor;
- A written decision, with the reasons for the decision, based solely on the evidence of record issued in a timely fashion and including appeal rights and procedures;
- Notice of any substantive and material action of the hearing panel during the proceedings;
- Equality concerning communications, and no ex-parte communication is permitted between a party and any person involved in deciding or procedural determination except to provide explanations involving procedures to be followed.

The significance of Due Process

- Not following Due Process is the largest single reason for successful appeals in both NTSSA and USSF
- It provides a fair hearing for all parties
- Provides all parties to a platform to present their side.
- Learn the process and policies and allow them to guide your hearings.



Receipt of Complaint

- Must be in writing
- Only A&D must be aware of the subject matter beforehand to maintain impartiality.
- Complaining party must be identifiable
- Cannot be hearsay
- Don't investigate
- Was it a legitimate complaint or a legitimate gripe? Know the difference. Your job is to validate the information.
- All Referee misconduct/assault/abuse must be sent to NTX Soccer for review. We will either do one of the following:
 - Issue a 3-game suspension;
 - Remand back for the Member Association A&D to handle;
 - Schedule a hearing to be heard by a panel of North Texas Board Members.



Examples of Valid and In Valid Complaints

Valid Complaint

- Lack of 50% playing time by a recreational coach
- Allegations of possible misconduct in practice methods employed by a coach
- Misbehavior of a coach, parent, or spectator during a game
- Questionable draft procedures or illegal recruiting

Invalid Complaint

- Disputes regarding the ability or judgment of a referee
- Personality conflicts between coaches
- Reports lacking specific or tangible occurrences of misconduct
- Oral or anonymous reports

Notification of a Hearing

- All notifications and correspondence should be in writing
- Allow ample time for parties to prepare a defense
- Allow reschedules when appropriate (typical is 1 reschedule each side)
- Do not discuss any details of the upcoming hearing
- Detail all charges being brought against the defendant in your letter
- Include all possible rule violations in addition to charges
- Include possible sanctions



Hearing Notification Letter Cont'd

- Notification Letter must include the following:
 - A statement of the reason for the hearing will all charges and/or alleged violation
 - All possible consequences if charges are found to be true
 - A copy of the primary complaint against the accused
 - A copy of any other complaints received
 - The time, date, and place where the hearing will be held
 - Outline all procedures with who will be allowed to testify along with the time limits that will be imposed
 - A set date and time in which a list of all perspective witnesses and additional testimony need to be submitted by.
- All Parties attending the hearing should receive a copy of the hearing packet



Hearing Panel Selection

- All Member Associations and Playing leagues must form their own A&D Committee, so that you can have panel members to select from.
- Panel members must all be impartial
- Have varied degrees of experience
- Try to have an “odd” number of voting panel members
- Is there perception of the committee “stacked or “fair”?

Hearing Preparation

- Hearing must begin with an introduction and attendance of all attendees
- Review Charges listed on the notification hearing
- Detail the decorum with which the hearing will take place.
- Allow equal time and opportunity for all sides
- Include time for the panel to ask questions
- Detail when and how the committee will render a decision
- Let the parties know when they will receive a decision (call the next day after a certain time, via email by a certain time, etc..)
- Above all be FAIR
- Adjourn the hearing

Recommendations

- Take Personal notes, not minutes
 - Even if a recording is being made, delete it once you have reached your decision.
 - These will be needed to write your decision letter and if they should appeal.
- Limit time to speak rather than the number of people to speak
- The accused should always be present
- Insist on proper decorum
- Keep the hearing on task
- Detail when and how the committee will render a decision
- Advise parties of their appeal rights

Making a Decision

- Do not be too hard or too soft.
- Does the punishment fit the offense?
- Is the decision to teach or to ban?
- Detail your findings of why the panel came to their decision
- Define any and all parameters of suspension or probation
- Reference local rules for guidance

Hearing Decision Notification

- Must be in writing and include the following:
 - Decision of Committee
 - Rules applied to reach the decision
 - Appeal rights including fee, time frame for filing and method of appeal
- Keep a copy for your files in the event of an appeal is made
- Even if a decision is given verbally, it must be followed up in writing.

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

Points of Contact :

Jim Mills
Jmills@ntxsoccer.org

Questions Regarding Potential Concerns on gameplay (i.e., illegal player, 50% playtime, illegal players, and youth or adult registration)

David Messersmith
David@ntxsoccer.org

Questions Regarding SafeSport, lawsuits, or any legal matter concerning your association

Erin Pfarner
Epfarner@ntxsoccer.org

Questions regarding your Bylaws & Rules (i.e. they need updating or there is a potential incident with your board following them)

Elena Williams
Ewilliams@ntxsoccer.org

Questions regarding misconduct with players or coaches (i.e., potential referee abuse, coach/player/referee misconduct)

Questions?