



## **Mount Olive Soccer Club**

### ***Discipline, Protest, and Grievance Procedures***

#### **1.0 Purpose**

The purpose of the Mount Olive Soccer Club (MOSC) Discipline, Protest, and Grievance Procedures is to promote and ensure uniformity and consistency in the application of the rules and procedures of the MOSC, Morris County Youth Soccer Association (MCYSA), NJSYSA, USYSA, USSF, and FIFA. In addition, it is the purpose of these rules to attempt to regulate and control unacceptable, unsportsmanlike, and unfair behavior on the part of players, coaches, managers, administrators, fans, and supporters, in order to promote the sport of youth soccer. All questions relating to the qualification of competitors, interpretation of the rules, disputes, protests, or grievances shall be referred to the MOSC Board of Directors (BOD) or their designees. The decisions of the MOSC Board of Directors or their designees shall be binding on all parties unless appealed and overturned by a higher authority.

#### **2.0 Applicability**

The Discipline, Protest and Grievance Procedures shall apply to all teams under the jurisdiction of the MOSC, including but not limited to: Instructional Teams, Travel Teams, and Adult Teams playing under MOSC names, rules, Constitution, and/or Bylaws, and all members of MOSC and spectators of MOSC events.

#### **3.0 Definitions**

“Appeals” arise as a result of an adverse decision from a protest hearing, administrative action, disciplinary hearing, or lower level appeal. Only those parties to the original action, who are adversely impacted by such decisions, shall be allowed to appeal.

“Assault” is an intentional act of physical violence, any un-consented touching, or placing another in fear of imminent harm. Assault includes, but is not limited to, the following acts: hitting, kicking, punching, slapping, choking, spitting at or on; grabbing or bodily running into; the act of kicking or throwing any object at another that could inflict injury; damaging a uniform or personal property, i.e., car, equipment (cards, whistle, notebook, etc.) or knocking equipment or other objects out of the hand.

“Abuse” is a verbal statement or physical act which implies or threatens physical harm to an individual. It also includes verbal abuse which is threatening, cursing, or demeaning a person or any member of his/her family.

“Automatic and indefinite suspension” shall mean that a coach, player, or team shall not participate in any MOSC, MCYSA, NJSYSA, or USYSA sanctioned or approved activity, tournament or inter-association game and the coach, player, or team must immediately surrender to the MOSC Board of Directors all player ID cards of the team members or player(s) suspended if applicable, until:

such person petitions the MOSC Board of Directors for a hearing and the Board of Directors reinstates; or the team petitions the appropriate Board of Directors for a hearing and the Board of Directors reinstates.

“Coach” includes assistant coach, trainers, managers, or any other individual that coaches or trains a soccer team.

“Conflict of Interest” is a situation where one individual’s involvement places them in a position of potentially gaining benefit from the outcome of the situation.

"D&P Committee" when created at the request of the Board of Directors, shall include three adult members of the MOSC, appointed by the Board of Directors. The committee shall elect a Chairperson of the Committee, who shall be responsible for communicating to the Board of Directors.

"Disciplinary Hearings" result from allegations of misconduct. Such misconduct must be a violation of a published rule, regulation, or procedure.

"Disciplinary Action" may be rendered by the MOSC Board of Directors from a Preliminary Decision or upon the completion of a Disciplinary Hearing. This action may include but is not limited to: censure, fines as adopted by MOSC, MCYSA, NJSYSA, or its affiliates, suspensions, institution of probation stipulations, prohibition of participation in specific MOSC, MCYSA, or NJSYSA sanctioned activities, and removal from office or official position.

"Grievance" is any complaint, which is not a protest or an appeal and which does not request the changing of the outcome of a specific game, but in the opinion of the Grievant is a violation of MOSC, MCYSA, NJSYSA, USYSA, or USSF Constitution, By-Laws, or Rules and Procedures.

"Grievant" is a person who files a grievance against another member of the MOSC in accordance with these procedures.

"Preliminary Decision" is a preliminary step in the hearing process where the MOSC Board of Directors or its designee receives a properly submitted protest or grievance; or upon any other matter the MOSC Board of Directors deems appropriate, and renders a preliminary decision of disciplinary action. If a preliminary decision is reached, the Party defending the action shall have the right to request a disciplinary hearing. After receipt of a written request for a hearing, the MOSC Board of Directors shall promptly schedule a hearing. If no request for a hearing is received by the MOSC Board of Directors within ten (10) days after the party's receipt of the preliminary decision, then the preliminary decision is final. All notifications and requests for hearings under this paragraph must be made in accordance with MOSC's Notification Requirements.

"Protest" is related to a specific game and is filed by one of the involved team's officials. Only those teams involved are permitted to protest a game result. Protests, on a specific game, cannot be filed by third parties. A protest may not be based upon the judgment call of a referee.

"Referee" includes the following:

All currently registered USSF referees, linesmen, 4th officials or other duly appointed persons to assist in the officiating of a game or; any non-licensed, non-registered person serving as a referee; or any club linesman.

"Respondent" is the person responding to a protest or grievance.

"Season" - The Fall season shall begin on September 1st and end on December 31st of each year. The Spring season shall begin on January 1st and end on August 31st of each year.

"Season games" shall mean games, which are scheduled at the beginning of any playing season or rescheduled during the season.

"Suspension" means as follows:

A coach shall not attend nor shall he/she observe any games until the completion of the suspension, and; a player may attend however, the player shall not dress in uniform nor shall he/she play or participate in such game(s) until the completion of the suspension.

Individual... Any other suspension of a person under these procedures shall mean the person shall not attend nor shall he/she observe any MOSC sponsored event including games, tournaments, or any other event for the term of the suspension. A coach shall not, in addition to the prohibitions contained herein, attend nor observe practices. Suspension may also mean removal and suspension from holding official position in MOSC.

Team...Team suspension shall mean that the team shall not compete in any MOSC, MCYSA, NJSYSA, or USYSA sponsored activity. No travel permits will be approved. Furthermore, no more than five (5) players from the suspended team may transfer to or play on any one team. The coach of the suspended team may not coach any of the players of the suspended team during the suspension with the exception of his/her child.

“Team” means a recognized entity of properly registered and rostered players with at least one registered coach, organized for the purpose of playing the sport of soccer, sponsored by MOSC.

#### 4.0 Jurisdiction

The line of jurisdiction on protest or appeals, except in the instance of assault or abuse of a referee, shall be as follows:

- MOSC Board of Directors
- Morris County Youth Soccer Association D&P
- New Jersey State Youth Soccer Association D&P
- NJSYSA Executive Committee
- United States Youth Soccer Association Regional Appeals Committee
- USYSA National Appeals Committee
- United States Soccer Federation National Appeals Committee
- FIFA

Assault of Referee line of jurisdiction:

- MOSC Board of Directors
- MCYSA D&P
- NJSYSA D&P
- USSF Appeals Committee as provided in USSF Rules 3042 & 2104

Abuse of Referee line of jurisdiction:

- MOSC Board of Directors
- MCYSA D&P
- NJSYSA D&P
- USSF Appeals Committee as provided in USSF Rules 3042 & 2104

Request for reinstatement following an Automatic and Indefinite Suspension of a Player, Coach, or Team:

- MOSC Board of Directors
- NJSYSA D&P unless referred to MOSC BOD
- MCYSA D&P if referred to MOSC BOD
- USYSA Regional Appeals Committee
- USYSA National Appeals Committee
- USSF National Appeals Committee
- FIFA

*Decision Shall Stand Until Overturned.* All decisions at all levels of the appeal/protest process shall stand and be in full force and effect until changed by a higher authority and communicated to all of the affected parties in writing.

*Exhaust Lower Levels First.* All lower levels of protest/appeal must be exhausted before a higher level will hear the appeal.

*Appeal to Higher Level.* At all levels of the appeal/protest process if a decision is not reached within 30 days of receipt of the written appeal/protest, the party filing the appeal/ protest may submit the appeal/protest to the next higher level with no additional fee.

*Cannot Invoke Aid of Courts.* No player, coach, official, referee, fan, supporter or their representative may invoke, the aid of the courts of any State or of the United States without first exhausting all available remedies within the appropriate soccer organizations as set forth under the lines of authority herein.

*Penalty for Failure to Exhaust Administrative Remedies.* Any person(s) or group(s) action through the court system without exhausting the administrative remedies listed herein or in the NJSYSA, USYSA, USSF rules is subject to the following:

*Automatic Suspension.* The person(s) or group(s) is/are automatically suspended from all soccer activities and forfeit any appeal/protest rights. The party may petition the NJSYSA Executive Committee for reinstatement upon conclusion of the action.

*Liability for all Costs.* The person(s) or group(s) is/are liable to MOSC, MCYSA, NJSYSA and/or its Member Association for all expenses incurred by MOSC, MCYSA, NJSYSA, its Member Association and/or officers, directors, or administrators in defending the action, including, but not limited to: court costs; attorney's fees; cost of litigation, including depositions, expert witness fees, etc.; reasonable compensation for time spent by NJSYSA and Member Association administrators and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances; travel expenses; and expenses for holding special NJSYSA or Member Association meetings necessitated by the court action.

## **5.0 Fees For Protests, Hearings, Grievance, And Appeals**

The protest fee to the MOSC Board of Directors shall be \$50.00.

The grievance fee to the MOSC Board of Directors shall be \$75.00.

When any hearing is requested of MOSC for any other matter not specified herein a non-refundable fee of \$50.00 shall be paid to MOSC and provided to the MOSC BOD.

The appeal/protest fee to the NJSYSA D&P Committee shall be established by the NJSYSA D&P Committee.

The appeal fee to the NJSYSA Executive Committee shall be established by the NJSYSA Executive Committee.

All fees must be submitted in the form of cash, certified check, cashier's check or money order made payable to the appropriate association.

If an appeal, protest, and/or grievance is successful, then all fees submitted will be returned only after the time for additional appeals has passed.

When any hearing is requested for automatic and/or indefinite suspensions, a non-refundable fee of \$35.00 shall be paid to the appropriate review body.

## **6.0 Notification Requirements**

Proper notification will occur in writing and will be considered received if sent under the following procedures (in descending order of preference):

certified mail return receipt requested at the address of record, ;

express mail with receipt of acceptance, ;

hand delivery with written acceptance, ;

or ;

fax with confirmation of receipt.

## **7.0 Protest Procedures**

There are only two (2) acceptable causes for protesting a game after it has been played. They are:

A team plays an unregistered, ineligible, or suspended player, or;

There has been an obvious error made in the application of the Laws of the Game that directly affects the outcome of the game.

Matters of referee judgment are not protestable at any time.

To be valid and eligible for consideration, each protest filed with the MOSC Board of Directors must include the following:

The protest fee;

Two (2) written copies (original plus one copy) of the grounds on which the protest is lodged clearly stating the following:

The name, address, phone number, and team affiliation of the plaintiff;

The date and time of the game, field location, and age level of teams involved;

The approximate time of the incident in relation to the start of the game;

The rule or rules which have been violated and a description the violation;

The score of the game prior to the incident, after the incident, and the final score;

The name of the opposing team, coach, and club;

Two copies of any information to be presented by witnesses, and;

The name of the referee.

The intention to file a protest regarding the misapplication of the Laws of the Game must be made known to the game referee and the opposing coach before leaving the field. This does not require that the protest actually be filed, but allows the referee the opportunity to write up usable game report information;

All protests must be postmarked or received by the MOSC BOD within forty eight (48) hours of the completion of the game being protested. Postage meter dates are not acceptable postmarks; ie. any protest relating to late starts, the field, goalposts, bars, or other appurtenances shall be entertained for consideration only if an objection has been lodged with the referee in writing prior to the start of the game on the official Game Report form, if utilized. This protest must also be verbally communicated to the opposing coach.

## **8 0 Grievances Procedure**

To be valid and eligible for consideration, each grievance filed with the MOSC Board of Directors must include the following:

The grievance fee;

Two (2) written copies (original plus one copy) of the grounds on which the grievance is lodged clearly stating the following: the name, address, phone number, and team affiliation of the grievant;

The rule or rules that have been violated and a description of the violation;

The violating player, team, coach, or individual(s) as the respondent; the age level of play involved;

Two (copies) of statements from any witnesses;

And any other pertinent facts.

*Purpose...*Misconduct of players, coaches, and fans continues to be a problem in soccer. More emphasis is needed to promote proper conduct and good sportsmanship, especially in our youth competition. The following description is an effort to discourage violent play and misconduct.

*Responsibilities of Coach...* is to maintain control of fans and sideline.

Coaches are required to maintain control of their players and the team's fans on the sideline. A coach may be cautioned and/or ejected by a referee for the misconduct of a fan of the team, which he/she coaches.

*Misconduct by Fan/Supporter...*The parents, fans, or supporters of any MOSC, MCYSA, or NJSYSA team, by attending a MOSC, MCYSA, or NJSYSA sponsored event, subject themselves to the jurisdiction of the MOSC and its affiliates, the NJSYSA D&P Committee, Executive Committee, and the NJSYSA Governing Board. As such, misconduct by a parent, fan, or supporter can be investigated and disciplinary action can be taken by any of the various levels, which have jurisdiction over the team involved. If action is not taken on a local level, the NJSYSA D&P Committee may investigate the matter and hold a hearing to determine what discipline, if any, should be

provided. Such discipline can include, but shall not be limited to, prohibiting the parent, fan, or supporter from attending any MOSC, MCYSA, or NJSYSA sponsored event, including games, practices, and tournaments for a period of time or indefinitely. The failure to comply with the discipline shall be cause for MOSC and/or the NJSYSA D&P Committee to discipline the player related to the parent, fan, or supporter, the team which the parent, fan, or supporter supports and/or the coach of such team.

Suspensions for one (1) or two (2) games cannot be appealed.

*Automatic and indefinite suspension:*

- Assault or abuse against a referee by a spectator, player or coach;
- Assault or abuse against a player by a coach;
- A coach knowingly falsifies any team record or official MOSC, NJSYSA or USYSA document;
- A coach knowing plays an ineligible player.

*Discipline in the Event of Philosophical Differences with MOSC:*

In the event MOSC receives a grievance from a coach, parent, player, spectator, or Board of Director setting forth an act or course of conduct on the part of coach, parent, player or Board of Director describing an obvious contradiction to the MOSC philosophy as set forth in the MOSC By-Laws, all guidelines and these Procedures, a closed hearing shall convene within six (6) days. Any Board of Director greivant shall recuse themselves from the hearing and decision of the Board. In the same meeting following the closed hearing testimony, the Board shall render a decision as to whether any disciplinary action may be taken. The Board in it's discretion may suspend, set a determined period of probation or order any other discipline it sees fit in the best interest of MOSC. Within 72 hours of the Board's decision, the Board shall provide the respondent with a written copy of their decision enumerating reasons and grounds for any action taken. An appeal may be taken in accordance with these procedures.

*Suspension Carryover.* Suspension shall carryover into the next season. If a player or coach is suspended during one season, but because of the number of games remaining in that season, does not serve the full suspension, then the number of games suspended, but not served, shall be served in the first, and if required, the second game of the following season.

*Forfeits...*Any team which forfeits two (2) games in a season shall be brought before the MOSC Board of Directors for possible disciplinary action.

## **9.0 Hearing Procedures - General**

*No Conflict of Interest.* Members of any committee hearing a protest, appeal, disciplinary hearing, or grievance shall be composed of persons having no conflict of interest in the matters being heard, and having no association with the principal parties in the matters. No person may adjudicate a matter at more than one level.

*Record of Hearing.* The chairperson of the hearing shall appoint one committee member to make a record (minutes) of the proceedings.

## **10.0 Types of Hearings**

*Open Hearings...*Open hearings shall be held with the principal parties, witnesses for both sides, and all necessary evidence, actually appearing before the members of the MOSC BOD or Hearing Committee. Testimony from witnesses need not be taken in the presence of other witnesses, but the principal parties shall be present for all proceedings except the deliberations of the MOSC BOD or Hearing Committee.

*Closed Hearings...* Closed hearings require that all testimony and evidence (including the rules) be submitted in writing. Testimony and evidence may be considered by the MOSC BOD or committee members on an individual basis, with a decision by mail, email, or conference call.

*Preliminary Decision...* Both an open hearing and a closed hearing may be preceded by a Preliminary Decision. A preliminary decision is not a separate hearing, but is a preliminary step for a hearing. A preliminary decision may be rendered upon a review of any information received and any preliminary investigation the MOSC BOD deems necessary. If a preliminary decision is reached, the respondent defending the action shall have the right to request a disciplinary hearing. After receipt of a written request for a hearing is received by the MOSC BOD, the preliminary decision is rescinded and the MOSC BOD shall promptly schedule a hearing. If no request for a hearing is received by the MOSC BOD within ten (10) days after the respondent's receipt of the preliminary decision, then the preliminary decision is final and shall not be able to be appealed.

*Notification of Hearing...* Proper notification of a hearing will be given whenever a hearing is scheduled.

Notification must be received by all parties no later than 72 hours prior to the hearing. Individuals may waive their rights to the 72-hour notice, if done so in writing prior to the start of any hearing.

Proper notification will occur in writing and will be considered received if sent in compliance with MOSC Notification Requirements.

Hearing notification letters will contain the following information:

Date of letter;

Mode of delivery;

Reason for the hearing and the case number;

Role of the individual being requested to appear at the hearing (witness, accused, etc.);

Date, time, location of the hearing;

A brief description of the procedures of the hearing.

*Agenda for Open Hearing...* All parties, including witnesses, will be brought into the hearing room. The following items will be described by the chairperson:

Names of the parties involved (team, association, etc.);

Specific event involved (game, tournament, etc.);

Date of occurrence;

Rule number and description of rules allegedly violated.

#### **Procedures of Open Hearing:**

The principal parties shall be allowed to remain in the hearing room. All witnesses are to wait outside of the hearing room.

All written evidence should have been presented in advance for distribution and inclusion in the evidence packet.

All written evidence presented at the hearing will be passed to the chairperson. The committee will decide on its acceptance as proper evidence.

All questions/statements from the grievant and the respondent will be addressed to the Chairperson, who will ask the appropriate individual for an answer/rebuttal if he/she deems it pertinent.

#### **Hearing Process**

Person presenting the grievance will present case. Witnesses for the grievant will be called individually. Committee members may question principal parties and witnesses as deemed necessary. Respondent will present case. Witnesses for Respondent will be called individually. Committee members may question principal parties and witnesses as deemed necessary. Witnesses may be recalled after initial testimony for further testimony and/or clarification as necessary. The grievant may make a closing statement. Respondent may make a closing statement. Open hearing adjourned. All parties are excused and the committee shall deliberate.

The Chairperson may place restrictions on the time allowed for presentations, statements, and other items at his/her discretion.

### **11.0 Evidence and Testimony**

All evidence, such as identification cards, team rosters, referee game reports, letters, proof of age documents, and other sources of written or printed information shall be the original or official only. No copies shall be accepted unless the MOSC BOD or designee is convinced that the original document has been lost or destroyed.

All testimony shall be limited to the grievant and the respondent, eyewitnesses, and the recognized authorities on the subject (such as registrar on registration matters).

If a witness cannot appear at an open hearing, written testimony may be accepted. Notarization may be required at the option of the hearing authority.

Character witnesses and other third-party (non-eyewitness) shall not be allowed.

The Chairperson may limit the number of witnesses if the testimony is repetitive and in the interest of time.

*Documentation...*All written or printed evidence shall be maintained for a reasonable length of time from the final conclusion of the matter. A directory of documents should be created and maintained with the minutes and decision.

*Decision...*The decision of the MOSC BOD or designee shall respond only to the specific complaint or appeal.

Any other issue and/or rule violation, which may become known or apparent during the hearing, shall be referred to the appropriate authority, except for physical violence, assault of a referee, or abuse of a referee which may go immediately to the NJSYSA D&P Committee if deemed appropriate by the MOSC BOD or designee. This referral may be accompanied by a recommendation for appropriate action.

### **12.0 Notification of Decision**

The parties will be notified of the decision in a reasonable amount of time after the hearing. The notice may be orally or in writing. If notified orally, the parties shall also be notified in writing within thirty (30) days of the hearing according to MOSC's Notification Requirements.

Written notification shall contain:

Date of the hearing;

Decision including any disciplinary action and the effective dates;

The right methods and requirements of appeal;

In cases where the next level of appeal is the MCYSA or NJSYSA D&P Committee, NJSYSA Form 1 and the following phrase are required by NJSYSA: "This decision may be appealed to the NJSYSA D & P Committee, c/o NJSYSA State Office, East Windsor, NJ. Any appeal must be submitted in writing (with four copies), and sent by certified, return receipt within seven (7) days of the receipt of this decision. The appeal must be accompanied by a \$75.00 filing fee and the enclosed appeal form. A copy of the appeal must be submitted to the opposing party and the Member Association president / committee chairman at the time of the original filing."

### **13.0 Appeal Procedures**

All suspensions, decisions on protests or grievances upheld or overruled, or rulings by the MOSC Board of Directors are subject to appeal to the next higher authority.

No preliminary decision of the MOSC Board of Directors shall be appeal-able. Instead, the party disputing the preliminary decision shall first request a hearing before the MOSC Board of Directors. Only a final decision of the MOSC Board of Directors after a hearing shall be appeal-able.

Levels of Appeal.

- MCYSA D& P Committee
- NJSYSA D&P Committee
- NJSYSA Board of Directors
- USYSA Region III Appeals Committee
- USYSA National Appeals Committee
- USSF National Appeals Committee
- FIFA Appeals Committee

All appeals must be submitted according to the time deadlines and procedures of each level of appeals. Any required appeal fee must be submitted with the appeal.