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## **Appeals and Discipline Policies and Procedures**

Adopted September 18, 2018

These Appeals and Discipline Policies and Procedures (the “*A&D Policies*”) of Frisco Soccer Association, Inc. (“*FSA*”) are meant to provide guidance with respect to the fielding of reports of misconduct and conducting disciplinary hearings. As a member of North Texas State Soccer Association (“*NTSSA*”) FSA is subject to the NTSSA bylaws and rules (the “*NTSSA Rules*”) regarding disciplinary policies and procedures. NTSSA Rule 3.11 is incorporated by reference in the Rules. In the event of a conflict between these A&D Policies and the NTSSA Rules, the NTSSA Rules control. Capitalized terms not defined in these A&D Policies have the meaning defined in the Rules.

### **I. FSA General Policies with respect to the Appeals and Discipline Process**

FSA is committed to conducting fair hearings for actions by FSA members that may constitute a violation of the Rules or NTSSA Rules in an effort to protect the integrity of the game and FSA’s motto: Play Hard, Play Fair, Have Fun! In furtherance of this goal, all FSA members or other persons involved in the appeals and disciplinary process should adhere to the following principals:

- Be objective
- Be fair
- Maintain calm, professional demeanor
- Respect the process
- Be responsive to communications in furtherance of an expeditious process
- Be mindful of and avoid conflicts of interest (e.g., hearing panel members should not have any relation or connection to the Complainant or the Accused or their respective teams, players or parents)

### **II. General Procedures in Handling Reports of Misconduct**

Misconduct reports may come from a variety of different sources, including referee reports, complex directors, referee assignors, League Directors, Commissioners, coaches, parents and other spectators. Reports may be directed to any number of FSA personnel, office staff or officials. In general, when a report is received the following procedures should apply:

- A. The issue should first be directed to the appropriate League Director and Commissioner (if it is not directed to these persons initially) as soon as possible. The League Director or Commissioner should inform the person making the complaint (the “*Complainant*”)



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that the complaint has been received and that the matter is under consideration. All reasonable effort should be made to respond to the Complainant to acknowledge receipt within 48 hours of the complaint having first been received. Note that sometimes an issue may not have a Complainant. For example, if FSA becomes aware of an action taken by a coach that objectively constitutes a violation of a Rule (e.g., 50/50 playing time violation observed and documented by FSA personnel), then essentially FSA becomes the Complainant.

- B. The League Director and Commissioner should confer with one another and evaluate the issue to determine if it is an issue that the League Director/Commissioner can address through communication with the necessary parties without referring the matter to the VP of A&D.

*For example*, if the conduct is clearly not a rule violation, or perhaps clarifying a rule or providing guidance on approach to an issue, or issuing a friendly reminder of the rules or code of conduct, may be all that is needed to appease the Complainant and deter undesired conduct by the person accused of a violation (an “*Accused*”).

However, if in doubt, the following steps set forth below should be followed. If only one of the League Director or Commissioner is available to address the issue, such person may address it without other consultation, or he/she may seek guidance, input or assistance from other League Directors and Commissioners. If neither the League Director nor Commissioner is able to address the matter timely, the VP of A&D (or person he/she may designate) carry out this step. Other members of the FSA Board should generally not be consulted as the Board may be required to hear the issue on appeal.

- C. If the League Director/Commissioner believes that the matter should be referred to the VP of A&D, then:
- (1) If a complaint is made verbally, the League Director/Commissioner should inform the Complainant that the complaint needs to be made in writing (email is fine).
  - (2) The League Director/Commissioner should review the Rules and consider and seek other sources of information to determine if there is corroborating evidence of the alleged violation or complaint and that such actions constitute a violation of the Rules. These other sources may include:



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- i. referee and complex director reports,
- ii. information from other FSA staff,
- iii. similar complaints from others (e.g., other Team Personnel or spectators) that directly observed the event/actions being complained of,
- iv. prior complaints received by the League Director or Commissioner involving the same or similar conduct,
- v. the Rules, and
- vi. speaking to or receiving written responses from Complainant and the person or persons accused of misconduct (the “*Accused*”).

**NOTE:** such initial contact should be done without investigating the matter beyond obtaining basic information/reaction to the issue at hand to help determine if there is merit to the complaint. Particularly when speaking to the Accused, care should be taken to emphasize that the contact is an information gathering exercise to listen to their reaction to the accusation and that the League Director/Commissioner is not a decision-maker as to any disciplinary matter.

- (3) The League Director/Commissioner should confirm with the Complainant that he/she is willing and prepared to appear at a disciplinary hearing. Complaints that are requested to be kept anonymous and that are not in writing will generally not be considered as a basis for conducting a hearing.
- (4) The League Director/Commissioner should then consult with the VP of A&D and provide the VP of A&D with relevant information, including the League Director’s/Commissioner’s view on the matter, taking into consideration the information gathered regarding the incident. Reasonable effort should be made to complete the foregoing steps within 5 calendar days of receiving the initial complaint.
- (5) The VP of A&D must then determine, in his/her sole discretion, whether or not (i) the action(s) complained of constitute(s) a Rule violation (*i.e.*, if proven true, the conduct would be a violation of the Rules), and (ii) whether there is sufficient corroboration or supporting evidence of the alleged misconduct to warrant a hearing.

*For example*, a coach complaining about foul language by an opposing coach for which no other person (assistant coach, parent, referee) is able or willing to corroborate, the VP of A&D may decide not to call a hearing since it would be just one person’s word against another and it may be difficult for a hearing panel to judge the credibility of either party.



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- (6) The VP of A&D should make reasonable efforts to make a determination within 7 calendar days of receipt of the initial complaint as to whether to call for a disciplinary hearing.

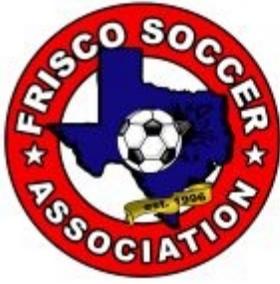
### **III. Procedures for Conducting a Hearing**

A. Notice to Parties. The VP of A&D must provide notice of the hearing in writing to both the Accused and the Complainant. A sample notice is attached as Exhibit A.

- (1) Notice to Accused must contain the hearing date, a description of the charges, the particular Rules (including code of conduct or code of ethics) implicated, and the potential disciplinary actions that could result if the charges are found to be true.
- (2) The hearing date must give the Accused reasonable time to prepare. Seven calendar days is considered reasonable, but more or less time may be given based on the specific facts and circumstances (an Accused may agree to a lesser time; more time may be given to accommodate availability, etc.). However, if the parties are unable to appear within a reasonable time frame (generally two weeks from being notified of the original hearing seems reasonable), the VP of A&D may convene a hearing without one of the parties.
- (3) Notice to the Complainant may simply be a notice of the time and place of the hearing.

B. Hearing Panel Selection.

- (1) Three panel members is generally sufficient and recommended, but there must be no fewer than two. An odd number of panelists is best practice.
- (2) Panel members should ideally have varying degrees of experience and may be drawn from the community at large. League Directors, former FSA board members or officers, FSA coaches of good repute, are often called upon, and it is generally considered advisable to have persons with soccer experience as at least one of the panelists. However, persons outside of and with no prior affiliation with FSA are also acceptable and can bring a varied perspective. As noted above, panelists must be impartial and have no connection to the Complainant or Accused.
- (3) The VP of A&D may delegate to FSA staff to contact potential panelists, but the VP of A&D must approve the panelists.



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### C. Hearing Preparation.

- (1) The following materials should be provided to each of the panelists, Complainant and the Accused. This normally is done only at the hearing so that the panelists, Complainant and Accused are receiving the information at the same time.
  - i. A copy of the written complaint from the Complainant (which may be redacted to remove names of other persons not party to the hearing, for example, a referee's name, email addresses, phone numbers, etc.).
  - ii. A copy of any other corroborating material (referee or complex director report, statements from others, etc.).
  - iii. A copy of the notice to the Accused.
- (2) The location is normally the FSA office conference room. Parties should be arranged to be separated. For example, the VP of A&D may sit in the middle of the table with parties on each end or to each side of the VP of A&D, and the panel sitting opposite the VP of A&D, or any other reasonable arrangement depending on the number of attendees, that will help reduce any tension or potential for confrontation between the parties.
- (3) Have a copy of the Rules present for reference if needed.

### D. Hearing Procedures.

- (1) VP of A&D should call the meeting to order, introducing him/herself and the panelists and their roles. The VP of A&D is there to administer the process, not serve as a panelist. The panelists are the decision-makers who will confer following the meeting to determine if any disciplinary action is warranted, and if so, the disciplinary action to be taken.
- (2) The VP of A&D will verify and call for the name and positions of the Complainant and Accused and review the charges. The VP of A&D should remind the parties to respect the process and maintain proper decorum throughout the process.
- (3) The Complainant should speak first and confirm the allegations made and giving the panelists an opportunity to ask questions and seek any clarification. Once the Complainant has finished speaking and answering questions of the panelists, the Complainant should be dismissed.



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- (4) The Accused should then be given time to respond and to answer questions from the panelists. Following the Accused's statements, the Accused should be informed that the panelists will confer and that the Accused will be informed of a decision, generally within 48 hours following the hearing.
- (5) The VP of A&D may need to establish time limits, or otherwise keep the process orderly by terminating questioning/speaking when he/she feels the process has rendered sufficient information for the panelists to make a determination.

E. Panelist Deliberation.

- (1) The panelists should deliberate and determine if a violation has occurred. The VP of A&D is not a panelist and does not vote on the issue, but may provide his/her views in terms of any similar matters that have come before a hearing, to help interpret a Rule or provide an opinion on statements made by the parties, etc. This is not a court of law and there is no particular standard for the burden of proof. However, the panelists should be as objective as possible and afford an Accused some benefit of the doubt. Factors that may assist panelists include:
  - i. Demeanor of the Accused.
  - ii. Credibility of the Complainant and Accused.
  - iii. Nature and severity of the violation.
  - iv. Any prior disciplinary history of the Accused (if included in the information provided to the parties).
- (2) The VP of A&D should take notes regarding the primary factors that led to any decision (violation or no violation).
- (3) If a violation is found to have occurred, then the panelists should deliberate and determine an appropriate disciplinary action. Again, the VP of A&D does not vote on the matter, but may provide input based on prior FSA sanctions for similar violations.
- (4) The VP of A&D should take notes on the primary factors that resulted in the disciplinary action decided upon by the panel.
- (5) The notes taken by the VP of A&D should be provided to the FSA office for further reference and in the event of an appeal.



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F. Notice of Decision.

- (1) The Accused should receive a written notice (email is fine) as to the panel's decision on the matter, generally within 48 hours of the hearing. A sample notice attached as Exhibit B.
- (2) The notice of the decision should include:
  - i. The date and time of the hearing in questions.
  - ii. The rule(s) violated.
  - iii. The disciplinary action taken.
  - iv. It is considered good practice to include some level of the primary considerations for the determination, which could be helpful in the event of an appeal. This may not be necessary and is not required.
  - v. A statement that the matter may be appealed and include the appeals form, which the FSA office can provide to be included.

**IV. Interpretation; Amendments of A&D Policies**

These A&D Policies may be amended upon approval of the Board at a duly convened meeting of the Board. In the event of any ambiguity or inconsistency with respect to these A&D Policies, the VP of A&D has the authority to make such determinations as he/she may reasonably determine (including by consulting other Board members) that are not inconsistent with the Rules or the NTSSA Rules.

**EXHIBIT A**

**SAMPLE NOTICE OF COMPLAINT**

Dear Coach \_\_\_\_\_:

We received a complaint regarding [coach/parent/other ([\_\_]U [team name])] indicating that [nature of offense]. If true, this is a violation of our rules. Based on the information received the following rules may have been violated:

[Cite Rules implicated]

As a result of this information, Frisco Soccer Association (“*FSA*”) is scheduling a disciplinary hearing for [DAY OF WEEK], [MONTH] [DAY], 20\_\_, at [TIME] at the FSA office (5566 Main Street, SUITE 205, Frisco, TX 75033) to determine if a violation has occurred and whether appropriate disciplinary action needs to be taken due to reported conduct.

**If you are unable to attend the hearing you must notify the office 48 hours in advance of the hearing** to allow time to cancel and notify the hearing committee members. Failure to provide notice and/or not showing up may result in the hearing to take place without you. We can usually accommodate alternate dates.

The determination of any violation may result in a warning, and/or suspension from all FSA related activities. Offenders can be subject to suspension from the FSA for an indefinite period of time. All decisions will be made based on the specific charges listed above and any corresponding rule, bylaw, or policy that is found to have been violated.

It is important that you be in attendance at this hearing to defend your position in this matter. You may bring any witnesses, no more than 2, or reports pertinent to the charges.

Thank you for your cooperation in this matter. I’ll be happy to answers any questions or concerns you have regarding the process.

Regards,

[Name]  
FSA Board Member and VP of Appeals and Discipline

## EXHIBIT B

### SAMPLE NOTICE OF DISCIPLINARY ACTION

Coach \_\_\_\_\_:

Following the disciplinary hearing conducted on [day], [month] \_\_\_\_, 20\_\_, the panel found that your actions violated FSA Rule [\_\_\_\_] and NTSSA Rule [\_\_\_\_]. As a result, the panel is imposing the following disciplinary action: [below is just example of some disciplinary action]

1. Suspension from being a rostered coach, assistant coach or manager for the [Team name/division] for the Spring 2018 season. This does not apply to any other team you coach for FSA or NTSSA.
2. Reprimand and probation through the Fall 2018 season. This reprimand is placed in your file and in the event of any future findings of any violation of the FSA Bylaws or rules or NTSSA bylaws or rules (whether as a coach or a parent) at any NTSSA sanctioned game through the end of the 2018 Fall season will result in an automatic two-game suspension from serving in any rostered capacity for any NTSSA sanctioned teams or games, subject to any further disciplinary action that a panel hearing the matter may further determine appropriate.
3. The non-rostered player that has registered to play will be permitted to register, but will not be considered a “returning player” and will be drafted in accordance with the FSA policies on placing players with teams (and we will consider her request to join the [team], but giving preference first to returning players, then returning players that skipped a season, and finally to requests). The rostered, injured player may register as a “returning player”.

The primary considerations for the above disciplinary actions were the nature of the violation, your lack of any prior disciplinary actions or complaints, your tenure as a coach with the team, the potential impact on the players of the teams you coach and your testimony to the panel. The panel accepted that you were not attempting to gain a competitive advantage by playing the non-rostered player. However, as discussed with you at the hearing, FSA cannot permit coaches to circumvent our rules that are designed to help ensure the integrity of our recreational league, while putting the association at risk from a liability standpoint.

In the event you wish to file an appeal, I am attaching to this notice an appeals form.

If you have any questions or concerns, I can be available to discuss. Thank you for your cooperation and respecting the process.

Regards,

[Name]

FSA Board Member and VP of Appeals and Discipline