

**Section 5**  
**ADJUDICATION**  
**Policies and Procedures**

**5.1 Adjudication Committee (AC)**

**5.1.1 Duties and Responsibilities**

1. Review the adjudication policies found in this section and suggest changes to the Board.
2. Review and decide disciplinary and protest matters, and appeals from such matters.
3. Annually submit a budget to the Board.
4. Quarterly submit a written report to the Board.

**5.1.2 Organization**

1. The AC shall have two (2) co-chairs, who are appointed as set forth in UYSA's Bylaws.
2. One co-chair shall coordinate and supervise disciplinary matters (DC), and the other chair shall coordinate and supervise both protest matters and appeals (PC).
3. The Chairs shall nominate no less than six (6) additional members to be part of the AC, which members shall be approved by UYSA's President.
4. UYSA's President will be an *ex officio* member of the AC, but will not have a vote.

**5.1.3 Recusal and Disqualification**

1. A member of the AC shall recuse himself/herself from participation in any matter in which that member or any immediate family member has a direct interest or the appearance of a conflict of interest.
2. A Chair may disqualify a member of the AC from participation in any matter under that Chair's purview if the Chair believes that such member or any immediate family member has a direct interest or the appearance of a conflict of interest.

**5.1.4 Meetings**

1. The AC shall meet at least once quarterly to review policies and any issues affecting the AC.
2. Notice of the date, time, location, and agenda of meetings shall be provided to all AC members at least ten (10) days prior to the meeting.
3. The agenda for each AC meeting shall be provided to each committee member at least ten (10) days before the date of the meeting.
4. Minutes shall be kept of assignments and decisions made at each AC meeting.

**5.2 Disciplinary Matters**

**5.2.1 Jurisdiction**

The AC has original and exclusive jurisdiction over all complaints of a Member's violation of UYSA Rules, USYSA Rules, and USSF Rules.

**5.2.2 Process**

1. Filing and Referral of Complaint
  - A. Any UYSA Member may initiate a disciplinary action by filing a written complaint. Verbal referrals will not be considered.
  - B. A disciplinary action may also be initiated by the filing of a referee report.
  - C. The complaint must be electronically transmitted, mailed, or hand delivered to the State Office.
  - D. Each complaint must be accompanied by a certified check or equivalent for \$50 payable to UYSA to cover administrative costs. Requests for waiver of the filing fee will be decided by the UYSA

- President, and all decisions regarding fee waivers are final with no appeal rights. If the disciplinary referral results in disciplinary action, the filing fee shall be refunded. No fee is required if the matter is raised in the referee's report of a game.
- E. The complaint shall include the following information:
    - (1) The Member against whom the complaint is filed ("Defendant");
    - (2) The specific UYSA, USYSA, and/or USSF Rule(s) violated;
    - (3) All facts supporting the complaint;
    - (4) Any supporting documentation, including referee game reports if applicable.
  - F. Within 48 hours of receiving the complaint, the State Office shall refer the complaint to the DC.
2. Initial Review
    - A. Within ten (10) days of receiving the complaint, the DC shall conduct an initial review thereof.
    - B. Within three (3) days of the DC's initial review, he/she shall determine if the complaint should be summarily dismissed or retained for further investigation.
    - C. The DC may summarily dismiss the complaint if it is defective on its face or sets forth insufficient facts to support an actionable offense. Notice of summary disposition shall be given to the party that filed the protest ("Petitioner").
    - D. If the DC determines that the complaint warrants investigation, he/she shall immediately give notice of the complaint to the Defendant along with a copy of the complaint. The DC shall also give the parties notice that they may request a hearing. The DC shall also forward a copy of the complaint to the appropriate Region Director.
  3. Panel Assignment
    - A. If the DC determines that the complaint warrants investigation, he/she shall assign three (3) AC members ("Panel") to the matter.
    - B. In the event that a suitable Panel cannot be seated due to disqualifications, unavailability, or other reasons, the DC may appoint impartial individuals to the Panel.
  4. Preliminary Findings and Orders
    - A. Immediate Suspension – The DC shall issue an immediate suspension of the Defendant if the following allegations exist:
      - (1) Assault;
      - (2) Battery;
      - (3) Sexual abuse.
    - B. Injunction – The DC may issue an order enjoining the Defendant from taking certain actions pending decision on the Complaint.
  5. Investigation and Discovery
    - A. The Panel may require any Member to provide documentation related to the matter.
    - B. The Panel may require any Member to appear at a hearing and provide testimony related to the matter.
    - C. Failure to cooperate with Panel requests may be grounds for disciplinary action, including immediate suspension from UYSA activities.
    - D. The Panel may conduct all other inquiries and gather all other facts legally available to it.
    - E. Any Member may submit to the Panel a written statement or other evidence related to the matter.
  6. Hearing
    - A. The Petitioner or Defendant may request a hearing.
    - B. If the Petitioner requests a hearing, the Panel has the sole discretion whether to grant the request.
    - C. If the Defendant requests a hearing, the Panel must grant the request.
    - D. The Panel, on its own volition, may determine that a hearing is necessary.
    - E. If a hearing is granted or deemed to be necessary, the Panel shall give reasonable notice of the time and place to the Petitioner, Defendant, and any other parties from whom the Panel would like to gather testimony.

- F. The hearing may be recorded by electronic means or by an unaffiliated individual.
  - G. Witnesses may appear telephonically if the parties agree.
  - H. The Panel may adopt hearing procedures it deems appropriate, provided that the parties are allowed an opportunity to appear, give testimony, and cross-examine adverse witnesses.
7. Final Decision
- A. Upon completion of its investigation, but no later than fourteen (14) days after a hearing, the Panel shall issue a written decision and provide notice of the decision to the Petitioner and the Defendant along with notice of any appeal rights.
  - B. The Panel may impose any form of discipline deemed appropriate, including the following, unless otherwise prohibited by UYSA, USYSA, or USSF Rules:
    - (1) Probation – conditions are put on a Member’s rights for a specific period of time.
    - (2) Suspension – the individual or Organization loses its membership and associated rights for a specific period of time. The individual or Organization’s membership is automatically restored at the end of the suspension period.
    - (3) Debarment - the individual or Organization loses its membership and associated rights for a specific period of time. The individual or Organization must reapply for membership at the end of the debarment period.
  - C. Decisions shall be made by a Majority vote of the Panel.
  - D. A copy of the decision shall be maintained in a confidential file at the State Office.
  - E. A party may appeal the Panel’s decision to an Appeals Panel in accordance with the appeals procedures set forth hereafter.

### **5.2.3 Enforcement**

- 1. Decisions of the AC shall be recorded by the State Office in the Defendant’s record, if it exists, in UYSA’s online management system.
- 2. All Directors, Officers, and Members of UYSA shall honor the decision and report any violations of the decision.
- 3. Any violation of a decision issued by the AC is grounds for further disciplinary action.

## **5.3 Protest Matters**

### **5.3.1 Jurisdiction**

- 1. The AC has original and exclusive jurisdiction over all protests of the following:
  - A. Administrative actions, decisions, or outcomes relating to a State Competition match;
  - B. Administrative actions, decisions, or outcomes relating to State Cup or President’s Cup;
  - C. Administrative actions or decisions by UYSA Directors, Officers, committees, or employees.
- 2. The AC has appellate jurisdiction over adverse administrative actions or decisions of Organizational Members or Teams, including actions and decisions relating to tournaments run by such Members or Teams.
- 3. A protest with respect to an administrative action, decision, or outcome must be based upon an alleged violation of UYSA, USYSA, or USSF Rules, or the published rules of another Organization that has jurisdiction.
- 4. Judgment calls made by referees in the context of a match are not subject to protest. However, a misapplication of the Rules of the Game that had a substantial effect on the outcome of a match may be protested.

### **5.3.2 Standing**

Only a Member, Team, or Organization that was directly affected by the protested action or decision may protest such action or decision.

### **5.3.3 Process**

1. Filing of Protest
  - A. A written protest must be electronically transmitted, mailed, or hand delivered to the State Office within five ( 5 ) business days of the protested action or decision.
  - B. Each protest must be accompanied by a certified check or equivalent for \$200 payable to UYSA to cover administrative costs. If the protest is upheld, the filing fee shall be refunded.
  - C. The protest shall include the following information:
    - (1) The specific action, decision, or outcome protested;
    - (2) Citation to the specific UYSA, USYSA, USSF Rule(s) or Organization Rule violated;
    - (3) The remedy sought by the protestor;
    - (4) Any supporting documentation, including referee game reports if applicable.
  - D. Within 48 hours of receiving the complaint, the State Office shall refer the complaint to the PC.
2. Initial Review
  - A. Within ten (10) days of receiving the protest, the PC shall conduct an initial review thereof.
  - B. Within three (3) days of the PC's initial review, he/she shall determine if the protest should be summarily dismissed or retained for further investigation.
  - C. The PC may summarily dismiss the protest if it is defective on its face or sets forth insufficient facts to support an actionable protest. Notice of summary disposition shall be given to the party that filed the protest ("Petitioner").
  - D. If the PC determines that the protest warrants investigation, he/she shall immediately give notice of the protest to all individuals and/or Organizations directly affected by the protest. The PC shall give the parties notice that they may request a hearing.
3. Panel Assignment
  - A. If the PC determines that the protest warrants investigation, he/she assign three (3) AC members ("Panel") to the matter.
  - B. In the event that a suitable Panel cannot be seated due to disqualifications, unavailability or other reasons, the PC may appoint impartial individuals to the Panel.
4. Investigation and Discovery
  - A. The Panel may require any Member to provide documentation related to the protest.
  - B. The Panel may require any Member to appear at a hearing and provide testimony related to the protest.
  - C. Failure to cooperate with Panel requests may be grounds for disciplinary action, including immediate suspension from UYSA activities.
  - D. The Panel may conduct all other inquiries and gather all other facts legally available to it.
  - E. Any Member may submit to the Panel a written statement or other evidence related to the protest.
5. Hearing
  - A. The Petitioner or any interested party may request a hearing.
  - B. The Panel may determine in its sole discretion whether to grant a request for a hearing.
  - C. If the Panel determines that a hearing is necessary, it shall give reasonable notice of the time and place to the Petitioner, all interested parties, and any other parties from whom the Panel would like to gather testimony.
  - D. The hearing may be recorded by electronic means or by an unaffiliated individual.
  - E. Witnesses may appear telephonically if the parties agree.
  - F. The Panel may adopt hearing procedures it deems appropriate.
6. Standard of Review
  - A. If the protest pertains to an action taken or decision made by UYSA officials, or an outcome of a UYSA-sponsored event, the action, decision, or outcome shall be reviewed under the "de novo" standard.

- B. If the protest pertains to an action taken or decision made by an Organizational Member or Team, the action or decision shall be reviewed under the “substantial basis” standard.

7. Final Decision

- A. Upon completion of its investigation, but no later than seven (7) days after a hearing, the Panel shall issue a written decision and provide notice of the decision to the Petitioner along with notice of any appeal rights.
- B. The Panel may take the following actions with respect to the protested action, decision, or outcome:
  - (1) Affirm the action, decision, or outcome;
  - (2) Reverse the action, decision, or outcome;
  - (3) Remand the matter to the original decision maker for reconsideration.
- C. Decisions shall be made by a Majority vote of the Panel.
- D. A copy of the decision shall be maintained in a file at the State Office.
- E. The Petitioner may appeal the Panel’s decision to an Appeals Panel in accordance with the appeals procedures set forth hereafter.

**5.3.4 Expedited Matters**

The process for deciding a protested matter shall be expedited if the protesting party can demonstrate a high probability that it will suffer irreparable harm if the decision is not expedited.

**5.4 Appeals**

**5.4.1 Jurisdiction**

The AC has jurisdiction over all appeals of decisions issued by an AC Panel for disciplinary and protest matters.

**5.4.2 Process**

1. Filing of Appeal

- A. Within five ( 5 ) business days of issuance of a written decision, a party may file a notice of appeal to the AC.
- B. The notice of appeal must be electronically transmitted, mailed, or hand delivered to the State Office.
- C. Each notice of appeal must be accompanied by a certified check or equivalent for \$150 payable to UYSA to cover administrative costs. Requests for waiver of the filing fee will be decided by the UYSA President and all decisions regarding fee waivers are final with no appeal rights.
- D. The notice of appeal shall include the following information:
  - (1) A statement indicating why the AS has jurisdiction;
  - (2) The name, address, and phone number of all affected parties;
  - (3) The decision being appealed and the body that issued the decision;
  - (4) A brief statement of relevant facts;
  - (5) A list of all UYSA, USYSA, and/or USSF Rules allegedly misinterpreted, misapplied, or violated;
  - (6) A certification that all lower-level administrative remedies have been exhausted;
  - (7) A statement of the desired resolution or remedy;
  - (8) A certification that all parties have been served with a copy of the notice of appeal;
  - (9) Any supporting documentation, including referee game reports if applicable.

2. Summary Disposition

The PC may summarily dismiss an appeal if it is untimely, moot, or defective.

3. Appeal Record

- A. Within seven (7) days of the filing of a proper appeal, the State Office shall accumulate any written decisions, transcripts of hearing, and documentation given to or produced by the body whose decision has been appealed.

- B. The appeal record shall be given to the PC.
- 4. Panel Assignment
  - A. Within seven (7) days of receiving the appeal record, the PC shall assign three (3) AC members (“Appeals Panel”) to the matter.
  - B. The PC may not assign to the Appeals Panel any individual that was a member of the Panel whose decision is being appealed.
  - C. In the event that a suitable Appeals Panel cannot be seated due to disqualifications, unavailability or other reasons, the PC may appoint impartial individuals to the Panel.
- 5. Panel Determination

Within fourteen (14) days of receiving the appeal assignment, the Appeals Panel shall decide whether to have a hearing or to decide on the record.
- 6. Hearing
  - A. If the Appeals Panel determines that a hearing is necessary, it shall give reasonable notice of the time and place to the parties and any other individuals from whom the Appeals Panel would like to gather testimony.
  - B. The hearing may be recorded by electronic means or by an unaffiliated individual. Witnesses may appear telephonically if the parties agree.
  - C. The Appeals Panel may adopt hearing procedures it deems appropriate.
  - D. The Appeals Panel may limit issues and evidence to those presented at the lower levels.
- 7. Standard of Review
  - A. Questions of fact shall be reviewed under the “clearly erroneous” standard.
  - B. Questions of law shall be reviewed under the “de novo” standard.
  - C. Questions of administrative or discretionary decisions made by the lower body shall be reviewed under the “abuse of discretion” standard.
- 8. Final Decision
  - A. Within seven (7) days of a hearing or the Appeals Panel’s decision that a hearing is not necessary, the Panel shall issue a final written opinion and the State office shall serve it upon the relevant parties.
  - B. Decisions shall be made by a Majority of the Appeals Panel.
  - C. The Appeals Panel may uphold or overturn the decision of the lower body. The Appeals Panel may also return the matter to the lower body for further investigation.

#### **5.5 Exhaustion of Administrative Remedies**

A Member must exhaust the remedies provided by this section, including appeals, before invoking the aid of any state or federal court. If a Member fails to exhaust its administrative remedies before filing an action in court, such Member shall be subject to suspension and shall be liable to UYSA and/or USSF for all costs and expenses incurred by the UYSA and/or USSF, including their Directors and Officers, in defending such court action. UYSA and/or USSF shall be entitled to all costs and expenses, including but not limited to, court costs, attorney fees, travel expenses, and reasonable compensation for time spent by Officers and employees in defending the action.

#### **5.6 Service**

Service of any document or notice required herein shall be accomplished by electronic means, including email or fax; by first-class mail; or by hand delivery. In emergency situations, service may be accomplished by telephone.

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