



Monterey Peninsula Soccer League Disciplinary Procedures and Hearing Rights

With the exception of a player who receives two cautions during a game, when a player is sent off from a game the MPSL Disciplinary Committee will hold a hearing to determine whether or not the player will be punished with anything more than the league minimum punishment of a one game suspension and a \$10 fine. (Players who receive two cautions in a single game are sent off, but if they leave the field in a timely manner and commit no further misconduct, their punishment will be a one game suspension, no fine and no disciplinary hearing.)

The MPSL Disciplinary Committee consists of six members, but only three members are required to hold a hearing. Among the members of the committee are the league president, a senior referee, two players and two non-playing members of the community who have extensive experience with the game. Any member of the committee who has a conflict of interest regarding a given case will be recused from that hearing, i.e. he or she may not take part in the decision making of the committee for that case.

Because the MPSL is affiliated with the United States Adult Soccer Association and the United States Soccer Federation, any decision made by the MPSL Disciplinary Committee may be appealed to the next higher level. In this case, the next higher level is the Appeals Committee of the California Soccer Association North, headquartered in San Francisco, CA.

The Rights of a Player Who is Subject to a Hearing

You have a right to attend the hearing and give evidence on your behalf and call witnesses in your defense. Your rights are described in more detail in the Bylaws and Policies of the United States Soccer Federation (the applicable sections are shown below). You are not required to attend the hearing, nor are you required to send someone to represent you, but it is your right to do so if you wish.

The MPSL Disciplinary Committee may chose to suspend you from playing in the MPSL for some specified period of time and may chose to fine you some amount of money, which must be paid before you will be allowed to play again. Once the Committee makes a decision, you will be notified by email message or, if you prefer, by ordinary mail.

The members of the Committee are not authorized to discuss this matter among themselves or with others except within the context of the hearing itself.

APPLICABLE SECTIONS OF USSF BYLAWS AND POLICIES

I. USSF Bylaw 701 - Hearing Procedures

In all hearings conducted under these bylaws, the parties shall be accorded:

(1) notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be 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;
- (5) the right to be assisted in the presentation 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;
- (8) the right to have a record made of the hearing if desired;
- (9) a written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion;
- (10) notice of any substantive and material action of the hearing panel in the course of the proceedings; and
- (11) quality concerning communications, and no ex parte communication is permitted between a party and any person involved in making its decision or procedural determination except to provide explanations involving procedures to be followed.

(Amended 8/18/00)

J. USSF Policy 701-1 - Hearing Procedures

This policy provides the minimum rights that each party would have at a hearing with respect to the right to assistance in presenting one's case at a hearing, as must be allowed under Federation Bylaw 701(5). These minimum rights apply to hearings conducted by State Associations and their members or other hearing body. A copy of these minimum rights should be delivered to the parties with the notice of the hearing.

(A) Each party at a hearing shall have the right to have an individual present at the hearing to assist the party in presenting the party's case. Such individual may, but shall not be required to be, an attorney.

(B) If the State Association or member of the State Association ("Complainant") is represented by another individual at any hearing and the hearing panel allows that individual to speak, question the parties and/or witnesses, or grants that individual any other rights, then it shall afford all other parties, or the individual representing the party, including an attorney, the same rights during the course of the hearing as is allowed to the individual representing the Complainant.

(C) If an attorney is present at a hearing to assist a party in presenting the party's case, it shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with the State Association's hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.

(D) A State Association may provide, as part of its hearing rules and procedures, that an individual assisting a party may be allowed to speak on behalf of the party, make requests or ask questions at the hearing.

(E) Regardless of whether the State Association allows the individual assisting the party the rights to speak, make requests or ask questions, as noted in Paragraph D above, an individual assisting the party in presenting the party's case shall have the right to be physically present in the hearing room, and so as not to interfere with the hearing procedure, it is also recommended that the individual be seated close to the party (either behind or next to the party) so that the party may seek assistance when desired during the course of the hearing.

(F) During the course of the hearing, the party may confer briefly with the individual who is assisting before making a statement or request or prior to responding to a question. The panel conducting the hearing may limit the frequency and duration of the conferences so as not to unduly interfere with the proceeding.

(G) If there is confusion or concern, the party may request a recess to confer with the individual assisting the party. Such a request should be granted unless the number of requests by a party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.

(H) An individual assisting a party may prepare written materials for the party and collect documents for the party. However, the party must submit or present the materials and documents as materials and documents of the party, and not of the individual assisting. The party has complete responsibility for those materials and documents and is subject to questioning about them.

(I) Nothing contained in this policy shall prevent a State Association from allowing greater rights to assistance than those set forth in Paragraphs A-H above. For example, a State Association may, but shall not be obligated to, allow more than one individual to assist a party at any given time.

(J) The rights, either mandatory or permissible under this policy, shall be consistently applied, and the State Association should not arbitrarily allow or disallow the rights set forth above to those individuals assisting a party in the presentation or defense of the party's case.

(Adopted 2/12/00)