



HEARINGS AND APPEALS POLICY

HEARING PROCEDURES

The Iowa Soccer Association (ISA or State Association) shall follow the Hearing Procedures as specified in the United States Soccer Federation (hereafter the Federation) Bylaw 701 and in Federation Policy 701-1.

FILING A CHARGE

The Complainant or Appellant shall submit to the ISA Executive Director, a written statement setting forth a description of the action, inaction or conduct that is believed to have been improper or incorrect, and the name of the person or group believed to have acted improperly or the circumstances believed to require answers, explanation or clarification; or in the case of an appeal, Notice of Appeal that explains the reason for the appeal. In the case of a complaint, upon verification of the alleged action, the Executive Director of the State Association may dismiss the complaint without merit, remand the charges to the ISA Mediator for mediation or appoint and forward the alleged charges to the Iowa Soccer Association (ISA) Hearing Committee Chair. In the case of an appeal the Executive Director may dismiss the appeal without merit or forward the appeal to the Iowa Soccer Association (ISA) Hearings and Appeals Committee Chair for action. If forwarded, the written statements referenced above become the Declaration. The Declaration shall be accompanied by any filing fee due or a letter of request for waiver of fee.

Complaint charges will include all requests to review action, inaction or conduct that is believed to have caused a violation of United State Soccer Federation (USSF), United States Youth Soccer Association (USYSA), United States Adult Soccer Association (USASA) or ISA constitution, Bylaws, policies and/or rules. In the matter of disputes under jurisdiction of USSF Bylaws and Policies, ISA must follow procedures set forth in USSF Bylaw 701. In the matter of referee abuse or assault, ISA must follow procedures as set forth in USSF Policies 531-9 and 531-10.

NOTICE

Each party named in the Declaration shall be given written notice of the alleged charge. The Notice shall be sent to each parties last known address by certified or express mail, return receipt requested; by Federal Express, signature required; or by personal delivery service. The Notice shall be given as soon as practical following the conclusion of any preliminary investigation made by or on behalf of the Executive Director of ISA but in no later than fourteen (14) business days after the receipt of the charges in writing by the Chair of the ISA Hearing Committee. The form of Notice shall include:

1. a statement in reasonable detail of the charges against each party, or of the circumstances that are believed to require answers, explanations or clarification. A copy of the Declaration received by the ISA Hearing Committee Chair shall be attached to the Notice;
2. a statement that all parties named have the right to have counsel of their choice to represent them, at their own expense, at any hearing;
3. a description of the type of hearing to be held. In the case of a formal hearing, the notice shall request each party to appear before the ISA Hearing Committee with or without counsel and witnesses, if any;
4. a date, time and location at which the hearing will be held. The date of the hearing shall not be more than thirty (30) business days after the date of transmission of the Notice;

5. a request that each party named in the Declaration answer in writing all of the charges set forth in the Notice. The Notice shall state that this answer is to be delivered at least ten (10) business days prior to the date of the hearing to the ISA Hearing Committee Chair, at a specified address, with a copy sent counsel and anyone else specified in the Notice at the addresses designated in the Notice; and
6. a statement of the right of appellate review in the event the decision rendered against the accused.

ANSWER BY THE ACCUSED PARTY

Each response to the Notice shall be in writing and delivered to the ISA Hearing Committee Chair at least ten (10) business days prior to the date of the hearing, with a copy to the counsel and anyone specified in the Notice at the Addresses designated in the Notice.

REBUTTAL BY THE COMPLAINANT

The Complainant may, but is not required to, offer a rebuttal to the Accused Answer. Any rebuttal shall be in writing and delivered to the ISA Hearing Committee Chair, at least five (5) business days prior to the date of the hearing, with copies to each Party and their counsel, if appropriate, at the addresses specified in the Notice.

PREPARATION OF MATERIALS

Individuals assisting parties may prepare materials for the party and collect materials 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.

CONDUCT OF THE HEARING

ISA HEARING COMMITTEE

The ISA Hearing Committee shall be comprised of a along with three (3) impartial committee members chosen by the State Association in consultation with the Chair. The Chair will act as the Presiding Officer during the hearing and will not have a vote in the decision of the Committee.

PRESIDING OFFICER

The Presiding Officer of the ISA Hearing Committee will preside over hearings and (1) have the right to limit the number of witnesses; (2) right to limit the time of verbal testimony and rebuttals; (3) designate those who will be able to speak at the hearing; (4) enforce hearing procedures; (5) designate room setup and seating order; (6) decide on the merits of recess or adjournment; and (7) set times to reassemble or dates for continuance.

GENERALLY

Hearings shall be conducted in an orderly fashion, but without regard for the formalities of traditional court procedures. The hearing shall be conducted in a manner conducive to the establishment of the truth and the interests of fairness, justice and the sport of soccer. The Presiding Officer is responsible for keeping the parties and their counsel, if any, focused on the issues at hand and the necessary elements of proof and for enforcing the ordinal rule that no one may speak who has not been recognized by the Presiding Officer. For hearings conducted other than entirely through the receipt of written statements, the ISA Hearing Committee shall cause a recording or transcription to be made or may cause a recording to be made of the hearing. If a recording is requested by the Accused or the Appellant, the Accused or the Appellant will be responsible for the cost of the recording.

No record of the deliberations of the ISA Hearing Committee need be kept and, if kept, shall not be available to anyone other than the members of the ISA Hearing Committee and the Presiding Officer and counsel to the ISA Hearing Committee.

ABSENCE OF A PARTY

The hearing may proceed in the absence of any party who fails to be available at the appointed time, and judgment shall not be reached merely because of the person's absence. If the Presiding Officer determines that in the interest of justice and the sport of soccer the hearing cannot proceed without the absent party, the Presiding Officer may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the ISA Hearing Committee in reaching its decision.

SEQUENCE

The hearing shall be opened by the recording of the place, time and date of the hearing and the presence of the members of the ISA Hearing Committee, the parties, counsel, if any, and any other witnesses or observers. Each party - Complainant first, Accused second - may then present a brief opening statement setting forth the party's view of the issues in dispute, the relief sought and what they hope to prove by the presentation of evidence. The Complainant's claims, evidence and witnesses shall be presented. The Accused defenses, claims, evidence and witnesses shall then be presented. In the discretion of the Presiding Officer, the Accused may be permitted to rebut any testimony or evidence presented by the Complainant during the Accuser's rebuttal presentation. Finally, each party (in the same order) shall be entitled to make a brief summation of the party's case. All or some of the participants in the hearing may participate by telephone conference.

RULES OF EVIDENCE

WITNESSES' TESTIMONY

Each witness may present testimony initially either in the form of questions and answers between the witness and counsel or in uninterrupted narrative. The Presiding Officer and the members of the Hearing Committee may question any person at any time during the hearing. Thus, for example, in an exercise of discretion, the Presiding Officer could call a witness who has not yet been called or whom no party intended to call, and question or elicit narrative testimony from that witness. Witnesses shall be subject to cross-examination by the other party and to questioning by the Presiding Officer and members of the Hearing Committee. All parties will be expected to be available for questioning by the ISA Hearing Committee, whether or not they may have given other testimony at the hearing.

VARIANCE OF PROCEDURES

The Presiding Officer shall have wide discretion to vary these procedures in the interest of justice, the sport of soccer and efficiency, but in so doing shall afford all parties a full and substantially equal opportunity to present any material or relevant proofs. A hearing may be recessed or adjourned by the Presiding Officer at the request of a party or on the Presiding Officer's initiative where a recess or an adjournment will serve the interest of fairness, justice and the sport of soccer. If a hearing is adjourned, the continuance shall be scheduled for any early date of mutual convenience, but in the discretion of the Presiding Officer. Justice and the sport of soccer ordinarily will be best served by an expeditious resumption and conclusion to the hearing.

DECISION OF THE ISA HEARING COMMITTEE

The decision of the ISA Hearing committee may be rendered at the time of the hearing and, if not so rendered, as soon as possible thereafter and in no event more than five (5) business days after the conclusion of the hearing. The decision shall include findings of facts and a statement of remedies ordered or penalties imposed, if any, and a

statement setting forth the rights of the parties to appeal the decision. The decision shall be in writing, or in case of a decision rendered at the hearing, reduced to writing promptly, and delivered to the Complainant, each Accused, their respective counsel, USSF and USYSA or USASA, if appropriate, any other appropriate soccer governing body as well as to the Chairman of the Association.

EMERGENCY HEARING

REASONS FOR EMERGENCY HEARINGS

When compliance with the formal hearing procedures would be likely not to produce a sufficiently early decision to provide justice to the affected parties or to be in the best interest of the sport of soccer, the ISA Hearing Committee is authorized to summarily hear and decide any matter relating to a scheduled competition or other matter of similar urgency.

NOTICE OF EMERGENCY HEARING

Each party shall be given such notice of the hearing as time and circumstances may reasonably dictate. The notice may be oral or in writing, and shall substantially comply with the notice requirements set forth above, insofar as the emergency nature of the issue permits.

CONDUCT OF EMERGENCY HEARINGS

The hearing may be conducted at any location likely to contribute to expeditious resolution of the charge, including the site of a soccer competition, but in any event under such circumstances as to fairly protect the right of procedural due process of the Accused party. All or some of the participants in the hearing may participate by telephone conference. If at least three regular or alternate members of the ISA Hearing Committee are not available due to time constraints, the Chair is authorized to appoint one or more individual members to serve as the Hearing Committee solely for the purpose of conducting this emergency hearing. The hearing shall substantially comply with the hearing procedures set forth above insofar as the emergency nature of the hearing permits.

DECISION OF THE ISA HEARING COMMITTEE

The decision of the ISA Hearing Committee shall be rendered at the time of the hearing or as soon as possible thereafter in keeping with the emergency circumstances. The decision shall include findings of facts and a statement of remedies ordered, if any, and a statement of the right to request a subsequent formal hearing or an appeal. The decision shall be in writing, or in case of a decision rendered orally at the hearing, reduced to writing within five (5) business days thereafter and delivered to the Complainant, the Accused, their respective counsels, if any, USSF and USYSA or USASA, if appropriate, and the Chairman of the Association.

RIGHT TO A SUBSEQUENT FORMAL HEARING

If either the Complainant or the Accused shall deliver to the Chair a written request for a further hearing within five (5) business days of the date of receipt of the written decision resulting from the emergency hearing, a formal hearing shall be held as a new proceeding as though the emergency hearing had not taken place. Failure to make this request in a timely manner shall preclude the aggrieved party from making an appeal.

STAY OF DECISION PENDING APPEAL

The ISA Hearing Committee shall have the authority and discretion, but not the duty, to stay its decision, in whole or in part, subject to specified conditions, during the time allowed to demand a further hearing after an emergency hearing, a rehearing or to appeal, with the decision going into effect automatically if these conditions occur or if no

demand or appeal is filed during the allowable period or at such time as a perfected appeal is terminated without the decision being modified by the appellate authority.

EXTENSIONS OF TIME

Except as otherwise provided with regard to rehearing, appeals, and emergency hearings, the decision of the ISA Hearing Committee shall be final in all cases. Final decisions of the ISA Hearing Committee of another State Association or the National Appeals Committee shall, where relevant and necessary, be recognized and fully enforced by ISA. Those final decisions may not be attacked or reopened in any proceedings before the ISA Hearing Committee, other than one seeking enforcement of that decision.

APPEAL OF ISA HEARING COMMITTEE DECISIONS

Any person including the Complainant and the Accused, having an actual, direct interest in any matter decided by the ISA Hearing Committee may appeal the decision to the USSF National Appeals Committee. An appeal must be taken within ten (10) business days from the date of the written notice of the decision of the ISA Hearing Committee. The appeal to the USSF National Appeals Committee must be in writing, timely filed with the USSF National Appeals Committee in care of the Secretary General of the Federation and accompanied by the appellate filing fee established by the Federation.

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