

## **MISSOURI YOUTH SOCCER ASSOCIATION PROPOSED BYLAW AMENDMENT**

**PROPOSED BY:** Jim McCarthy

### **I. PROPOSED AMENDMENT**

Cite the number of the bylaw proposed to be changed, and write the bylaw as it would appear with the proposed changes.

#### **Bylaw 402. HEARING PROCEDURES**

##### **USSF Bylaw 701**

**Section 1.** (a) 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, and sent to all interested parties and the Association Board of Directors; and notice of any substantive and material action of the hearing panel in the course of the proceedings; and
- 10) 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 explanation involving procedures to be followed.

#### **Section 2. HEARINGS - DISTRICT LEVEL**

Each District shall form its own hearing Committee, as needed to adjudicate all charges of a breach or breaches of US Soccer, US Youth Soccer, and/or this Association's rules, within the District, brought forth by a properly registered Association member (player, coach, organization or referee). The District Hearing Committee shall hold hearings on all matters within its jurisdiction. The District Hearing Committee shall consist of no less than three (3) members including the chair. The President of the Association shall appoint the chair of the district hearing.

**Section 3.** The Association Hearing Committee may adjudicate certain cases where charges may not be appropriate for adjudication at the district level. The Association Hearing Committee determines the appropriateness in this instance.

**Section 4.** The District Hearing Chair shall prepare a written summary of the district hearing, detailing the charges, findings and decisions taken in the case. The summary shall be distributed to all interested parties.

**Section 5.** Hearings at the District Level shall take place no earlier than 20 days and no later than 60 days.

**Section 6. HEARINGS - STATE LEVEL**

The Association Hearing & Appeals Committee shall adjudicate in the form of a tribunal. The tribunal shall be appointed by the President of the Association. The Hearing Panel shall be comprised of three (3) individuals including the chair unless there is a conflict of interest in which the President shall appoint a District Commissioner to chair the proceeding. State level hearings shall be conducted in the District of the appointed Chairperson whenever practical.

**Section 7.** State Level hearings shall be conducted in accordance with USSF Bylaw 705.

**Section 8.** The Board of Directors may establish a fee for hearings and appeals with the exception of any hearing involving misconduct toward or misconduct by game officials. If the decision of the State hearing & Appeals Committee is in favor of the person filing the charges the fee shall be returned.

**Section 9.** The State Hearing Chair shall prepare a written summary of the state hearing, detailing the charges, findings, and decisions taken in the case. The summary shall be distributed to all interested parties.

**II. HOW THE BYLAW WOULD BE CHANGED**

Write the bylaw showing the proposed changes. Underline all new language proposed and strike through all language that is proposed to be deleted.

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### **III. RATIONALE**

Section 2 change would provide flexibility in appointing the chair of the hearing committee. This helps in districts where the alternate district commissioner lives a good distance from where the hearing needs to be held; i.e.; Rolla and Springfield.

Section 6 change is a grammar change only.

Costs for these changes would be minimal.

### **IV. BYLAWS AND POLICIES COMMITTEE RECOMMENDATIONS**