

2024

Adjudication Manual



Maryland State Youth
Soccer Association

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Chapter I – General

Purpose of the Manual

The purpose of the Adjudication Manual is to provide an overview of the Adjudication Committee and its procedures. It is a guide and is not intended to confer any rights.

Policy of MSYSA

It is the policy of MSYSA to guarantee due process to all members of the Association. Individuals involved in any process of the Adjudication Committee or any process of MSYSA member organizations, programs, and activities are entitled to receive copies of all materials relevant to the case in question, to be afforded due process, and to have the matter adjudicated within established or reasonable timeframes, usually within 30 days. Failure of any member organization to comply with MSYSA's requirements may result in disciplinary action being taken against that organization.

Objective of the Adjudication Process

The objective of the MSYSA adjudication process is to provide fair consideration of matters in dispute within the family of MSYSA. Embodied in this objective is the notion that every member of MSYSA will receive a fair, impartial, objective, and timely hearing of any complaint or appeal which has standing before any adjudication body, and access to any and all materials relevant to the matter in dispute.

MSYSA strives to achieve both objective and subjective procedural justice. Objective procedural justice concerns the capacity of a process to provide a balanced opportunity to the contestants to be informed and to be heard; subjective procedural justice concerns the capacity of the process to ensure objective and even-handed judgments measured against known or rationally discernable rules.

It is also a goal of MSYSA to maintain a system of dispute resolution that comports with its character as a volunteer organization that emphasizes sportsmanship. To that end, MSYSA strives to avoid overly formalistic, complex, or litigious procedures. The U.S. Youth Soccer requires its member organizations to minimize the number of steps an appellant must complete in order to receive a final ruling. MSYSA expects decisions to be made by the lowest possible administrative level followed by no more than one appeal below the level of the Adjudication Committee. The final appeal in MSYSA is to the Adjudication Committee.

Chapter II – Adjudication Committee

The Adjudication Committee is a Committee of Maryland State Youth Soccer Association. See, MSYSA Bylaw, Article IX, Adjudication Section 1 (Jurisdiction of the Adjudication Committee).

Purpose of the Adjudication Committee

The purpose of the Adjudication Committee is to hold original fact-finding hearings in certain cases, and hear appeals from decisions of MSYSA members and program managers.

Objective of the Adjudication Committee

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Appointment of Members

Members of standing or special MSYSA committees are appointed by the MSYSA Adjudication Chair with Board approval. The Adjudication Committee is a standing committee.

Appointment of Chairman

The Chairman of any standing or special MSYSA committee is appointed by the MSYSA President from the committee members.

Quorum of Adjudication Committee Members

MSYSA requires three members of the Adjudication Committee to be present for any hearing. While the Committee is comprised of more than three members from MSYSA, it is not always possible for all members to participate in all hearings. Therefore, because hearings must be held within prescribed or reasonable timeframes, a quorum of three Committee members is practical.

Voting by Adjudication Committee Members

Adjudication Committee decisions are by majority vote. Individual votes and deliberations are confidential except to the extent disclosed in Committee decisions.

Diversity and Involvement

To the extent possible, the MSYSA Adjudication Committee Chair appoints members to the Adjudication Committee so that the MSYSA membership is fairly represented. It is in the interest of the Executive Board and the membership that members of the Committee:

- Are experienced in a variety of soccer-related activities (e.g., recreational, travel, ODP);
- Are familiar with a variety of aspects of the sport (such as coaching, refereeing, and playing);
- Can devote the time to travel and meet when needed at different locations;
- Can bring this knowledge and experience to bear in resolving often difficult situations and arriving at sometimes precedent-setting decisions; and
- Will maintain and protect the welfare of youth players and the integrity of MSYSA-sponsored programs and activities.

Conflicts of Interest

Occasionally, members of the Adjudication Committee must excuse themselves from participating in a case because of their relationship to a particular individual, club, or activity, which is a party to the case before the Committee. An example of a conflict might be when an Adjudication Committee member is loosely affiliated with a club whose actions or members are involved in a matter before the Committee. Another example might be an Adjudication Committee member who could influence the outcome of an appeal to the Committee and might appear to or may actually enjoy some personal gain. Possible conflicts are raised by Committee members and chairman, on their own motion, and are considered whenever raised by motion of any party to a pending matter.

Chapter III – Jurisdiction

Primary Jurisdiction

The Adjudication Committee has primary jurisdiction for all matters concerning:

1. Alleged Misconduct Toward Game Officials. See, United States Soccer Federation Policy 531- 9, for a discussion of what constitutes such misconduct and the possible sanctions relating thereto; and
2. Alleged Misconduct of Game Officials. See, United States Soccer Federation Policy 531-10, for a discussion of what constitutes such misconduct and the possible sanctions relating thereto.

Other Jurisdiction

The Adjudication Committee also has jurisdiction for matters concerning MSYSA Zero Tolerance Against Abuse.

The Adjudication Committee has jurisdiction on any other issue assigned to it by the MSYSA Executive Board.

Appellate Jurisdiction

The Committee has appellate jurisdiction over:

1. Decisions of members of MSYSA; and
2. Decisions of any individual, committee, or group having responsibility for administering an activity conducted or sponsored by MSYSA.

Provided that all protests and appeals must be exhausted before a matter will be considered by the Adjudication Committee. Provided further, appeals must be submitted to the Adjudication Committee within three days of the decision. The appeal shall be in writing and shall be accompanied by payment via credit card electronically for the current amount established by the MSYSA Executive Board and made payable to MSYSA.

Chapter IV – Hearing Procedures

The Adjudication Committee will conduct hearings consistent with the procedures contained in United States Soccer Federation Bylaw 701 and Policy, 701-1. The Committee may conduct hearings in-person or by video conference.

Burden of Proof

When the Adjudication Committee holds an original fact-finding hearing, decisions are made on a preponderance of evidence. When the Committee holds an appeal proceeding, its review of factual issues is made on substantial evidence as outlined below.

Additional Criteria for Appeal Proceedings

The Adjudication Committee's review of facts is confined to the facts presented in the record of the earlier decision; the Committee does not accept new factual submissions and may overturn a prior factual finding only if it concludes that the finding was not supported by substantial evidence. In other words, the Committee does not review cases to determine how Committee members might have voted on the evidence if they had been members of the original hearing panel, nor does it make any attempt to balance evidence or to re-try a case. Furthermore, US Youth Soccer has held that appellate bodies should not substitute their judgments for those of the finders of fact. Responsibility for determining the weight and credibility of evidence is assigned to the original finder of fact.

On appeal, the Adjudication Committee reviews a case based only on documents relied on by the original decision-making authority. Additional written arguments are permissible about the facts and law in the record from the lower body, but no new evidence is permitted. The Committee seeks to determine that five standards are met:

1. Is there some substantial (credible) evidence, not necessarily the weight or majority of evidence, in the record to support the original decision?
2. Was the original decision made in accordance with established rules and procedures, especially those of the deciding body?
3. Was the appealing party afforded due process?
4. Was the original decision or punishment arbitrary or capricious?
5. Does the original decision correctly interpret and apply the regulations and laws of MSYSA, US Youth Soccer, USSF, or Federal or State laws?

Legal Representation Before the Adjudication Committee

The Adjudication Committee does not permit legal counsel for individuals to participate in any hearing or appeal proceeding. However, counsel may be used as an advisor before, during and after a hearing, but may not actually speak on behalf of an individual.

Final Decision of Maryland State Youth Soccer Association

A decision of the Adjudication Committee is the final decision of MSYSA. The decision may only be appealed to the USSF Appeals Committee that shall have jurisdiction to approve, modify or reverse the decision. See, United States Soccer Federation Bylaw 705 (Appeals Committee) and Policy 705-1 (Appeals Procedure).

Penalties in Effect

Any penalties assessed as a result of an adverse decision are in full force and effect on appeal unless expressly overturned on appeal. Accordingly, a party is bound by ruling or order of the Committee

notwithstanding that an appeal has been taken and the party continues to be obligated to comply with its terms until overturned by a proper higher authority.

Return of Appeal Fees

Appellants should note that appeal fees paid to USSF or MSYSA are not returned, even if the appellant prevails.

Chapter V – Suspension Because of Litigation

The US Youth Soccer requires member associations to suspend individuals temporarily if they are involved as a defendant in litigation, as described below. MSYSA has held that any felony, by definition, is detrimental to the welfare of youth players. For the purpose of this provision, an individual who has entered into a plea agreement is regarded as being guilty of any charges stipulated in the plea agreement.

“Any person participating in a US Youth Soccer program or in any State or local association program who becomes involved as a defendant in litigation detrimental to the welfare of youth players or litigation based on activities detrimental to the welfare of youth players, shall be suspended from all soccer-related activities until completion of the litigation. The status of the person shall be reviewed by the suspending body at the completion of litigation. Suspensions under this resolution shall be determined by the State Association. Matters detrimental to the welfare of youth players shall include crimes of moral turpitude and felonies. The person has a right to appeal whether the matter which is the substance of the accusation, if true, is detrimental to the welfare of youth players.”

Chapter VI – Prohibition Against Litigation

The USSF, US Youth Soccer and MSYSA prohibit individuals, teams, clubs, leagues and other members from suing any member or association until all rights of appeal have been exhausted.

Penalties

For violating this section, the offending party is subject to sanctions and fines, and is liable to the Association for all expenses the Association and its officers, employees, and agents incurred in defending any court action, including but not limited to the following:

1. Court costs;
2. Attorney Fees;
3. Reasonable compensation for time spent by the Association, its officers, employees, and agents in the action, including responses to discovery and court appearances;
4. Travel expenses; and
5. Expenses for holding special meetings necessitated by the court action.

The USSF Appeals Committee shall consider and determine appeals from final decisions rendered by MSYSA relating to activities sponsored by the Federation and the State Association or its members. The decision of the USSF Appeals Committee is final. The Appeals Committee has the power to call for the production of any documents and evidence the Appeals Committee may require.

A decision issued by MSYSA that arises out of the application of the rules of competition, which is made in the course of the competition, and has no consequence beyond the competition, cannot be subject to an appeal. Competition is defined as games, tournaments, league or regular season play. Nothing in this subsection shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution or Bylaws of the USOC relating to the opportunity of Athletes to participate in “protected competition”, as defined in the USOC Constitution.