



Policy 8

Protests, Disputes, Grievances, Disciplinary Matters, Hearings and Appeals

A. Definitions

1. Protests relate to a specific game and can be made only by one of the team officials of a team participating in the game. Protests include such matters as allegations of the use of ineligible players, the condition of the field, and misapplication of the laws of the game.
2. Disputes are disagreements or allegations of impropriety relating to all matters that are not disciplinary matters and that are not within the definitions of protests or grievances. Disputes include such matters as a claim by an individual against a member or TSSA that rules were not followed or properly applied.
3. Grievances concern disputes between or among Associations or between Associations and the Tennessee State Soccer Association (TSSA) concerning membership requirements, bylaws, policies, or rules. Grievances include such matters as a claim that an association has violated its bylaws or the bylaws of TSSA that a policy was not properly adopted, and that rules do not comply with or are inconsistent with governing rules of higher authority.
4. Disciplinary matters are matters other than those involving referee assaults that involve or may involve the imposition of sanctions based on misconduct relating to or arising out of a game or competition.
5. Hearing is a proceeding in which the parties are entitled to present evidence in writing and orally.
6. Appeal is the process for the review of a decision made following a hearing. Appeals are usually initiated by the aggrieved party or parties.
7. Complaint is the written document by which a proceeding is initiated.
8. Team officials are the coach, assistant coach (es) or manager, according to the official roster, of a specific team.
9. Governing authority is the organization or group with jurisdiction over the competition or matter at issue.

B. General Rules

The following rules apply to all forms of dispute resolution, including protests, grievances and disputes.

1. No person, association, or group may invoke the aid of any court unless the person, association, or group has first exhausted all available remedies within an Association, TSSA, and all other soccer organizations with jurisdiction, including a final appeal to U.S. Soccer.

- a. For any violation of this rule, the party failing to exhaust all available remedies shall be liable to TSSA or any person, organization, or group made a party to court proceedings for all costs and expenses incurred in the court action, including, but not limited to the following:
 - i. Court costs;
 - ii. Attorney's fees;
 - iii. Reasonable compensation for time spent by the person, organization, or group in connection with the court proceeding, including the costs of discovery, court appearances, and meetings;
 - iv. All other expenses incurred by the person, organization, or group in connection with the court proceeding.
2. A plea of ignorance to the policies, rules, regulations, or requirements of the governing authority of an organization or competition, including TSSA, United States Youth Soccer, or U.S. Soccer, is not sufficient grounds for any action, a defense to any action, or an excuse for any action.
3. Protests and disputes shall first be addressed to and decided by the governing authority involved.
 - a. Protests and disputes involving parties within the same association shall be decided by that association.
 - b. Protests and disputes involving competition events such as tournaments shall be decided by the governing authority of that competition.
 - c. All grievances and allegations of referee assault shall be heard and decided in the first instance by TSSA's Appeals and Discipline Committee.
4. Fees
 - a. The amount of the fees shall be established by the TSSA board of directors.
 - i. Fees will be returned to the party that paid them only if that party prevails in the proceeding for which the fees were paid;
 - ii. Fees must be paid in the form of cashier's check, bank certified check, or money order made payable to the appropriate deciding authority.

C. Protests

1. All protests must be submitted in writing to the tournament director, league director, or other governing authority of the competition within one hour for a tournament game and within 24 hours for all other games.
 - a. The written protest must identify the game being protested, state the grounds for the protest, and state the facts upon which it is based.

- b. The required fees for a protest of a tournament game must accompany the protest at the time it is submitted when doing so is practical and in all other cases as soon as practical, but in no event more than 24 hours after the completion of the protested game. All other protests must be accompanied with the required fee.
2. A notice of intent to protest the conditions of the field, including goal posts, markings, or other appurtenances of the field, must be verbally communicated to the referee and the opposing coach before the beginning of the game and must be followed by a written protest as provided in paragraph 1, above.
3. A protest based on a claim of the use of an ineligible player, coach, or other team official must be submitted in writing together with the appropriate fee no later than one hour following the end of a game for a tournament game and no later than 24 hours following the end of a game for a league game; provided, however, that if the protesting party shows that the protesting party neither knew nor should have known of the ineligibility earlier, such a protest may be made within 24 hours of when the protesting party learned of the alleged violation, but in no event more than 72 hours after the end of the game in which the participation of the ineligible person is first alleged to have occurred
4. A protest based on a claim of misapplication of the Laws of the Game by a referee must be communicated to the referee and the opposing coach at the end of the game and before the referee has left the field. Protests based on a claim of misapplication of the Laws of the Game will be considered only if the alleged misapplication directly affected the outcome of the game. Judgment calls and decisions of the referee regarding facts connected with play are final and cannot be protested.
5. Decisions regarding protests shall be made within a reasonable period of time.

D. Disputes

A dispute is initiated by the filing of a complaint with the appropriate governing authority.

1. The complaint must be in a writing signed by the party making the complaint. If the complaining party is an organization, the complaint must be signed by the chief executive officer of the organization. The required fees must be paid at the time of the filing of the complaint.
2. The complaint must:
 - a. State the names and addresses of the parties;
 - b. State the grounds such as the bylaw(s), rule(s), or policy(ies) upon which it is based;
 - c. State the facts upon which it is based in numbered paragraphs with each paragraph containing a single factual allegation;
 - d. Set forth the complaining party's argument in support of the complaint;
 - e. State the specific relief sought;
 - f. Be accompanied by all documents, including statements or declarations, or other written evidence supporting the grievance;

- g. Certify that the complaint and all supporting documents have been served by certified mail on all parties against whom the complaint is made on the same date as the complaint was filed.
3. The governing authority may, within 10 days of receipt of the complaint, dismiss the complaint without further proceedings if it determines that (1) the required procedures have not been followed or (2) that if all allegations and the reasonable inferences from facts alleged are presumed to be true, the complaint is without merit. A dismissal under this provision must be in a writing that sets forth the reasons for the dismissal. If a complaint is not dismissed pursuant to this section, the governing authority shall cause all affected parties to be notified of such party's right to file a response and the date upon which the response must be filed.
4. A response to the complaint, including any documents or written evidence upon which the response is based, must be filed with the governing authority within 15 days of the filing of the complaint or at such other reasonable time as the governing authority may specify in written notice to the parties. The response must certify that the response and all supporting documents have been served by certified mail on all other affected parties on the same date as the response was mailed to the governing authority.
 - a. Unless good cause is shown, the failure to timely file a response constitutes a default.
 - b. Default may be the basis for sustaining the complaint. The existence of a default by itself, however, does not obligate or require the governing authority to sustain a complaint.
5. Within 10 days of the receipt of the response or 10 days of the date such response was due, whichever is earlier, the governing authority will cause all parties to be notified of the time and place of the hearing on the complaint and the procedures for the hearing. The hearing shall be set at the earliest reasonable time, but in no event later than 30 days from the date of the receipt of the complaint.
6. The governing authority shall hear the complaint and may sustain or deny the complaint in whole or in part.
7. The governing authority will notify the parties by mail and when possible by electronic means of its decision in writing within 7 days after the completion of the hearing. The decision shall state the reasons for the hearing panel's conclusion and provide notice of the right to appeal, including the identity and address to which an appeal is made.

E. Grievances

1. A grievance must be filed by certified mail with the Executive Director of TSSA and all parties or individuals charged in the grievance.
2. A grievance must be in writing, signed by the Chief Executive Officer of the Association filing the grievance, and accompanied by the required fee.
3. The grievance must: State the names and addresses of the parties;
 - a. State the bylaw(s), rule(s), or policy(ies) upon which it is based;

- b. State the facts upon which it is based in numbered paragraphs with each paragraph containing a single factual allegation;
 - c. Set forth the grieving party's argument in support of the grievance;
 - d. State the specific relief sought;
 - e. Be accompanied by all documents, including statements or declarations, or other written evidence supporting the grievance;
 - f. Certify that the grievance and all supporting documents have been served by certified mail on all other affected parties on the same date as the grievance was mailed to the TSSA Executive Director.
4. The Chair of TSSA's Appeals and Discipline Committee may, within 10 days of receipt of the grievance by TSSA's Executive Director, dismiss the grievance without further proceedings if the Chair determines that (1) the required procedures have not been followed or (2) that if all allegations and the reasonable inferences from facts alleged are presumed to be true, the grievance is without merit. A dismissal under this provision must be in a writing that sets forth the reasons for the dismissal. If a grievance is not dismissed pursuant to this section, the Chair of TSSA's Appeals and Discipline Committee shall cause all affected parties to be notified of such party's right to file a response and the date upon which the response must be filed.
 5. A response to the grievance, including any documents or written evidence upon which the response is based, must be filed with the TSSA Executive Director by certified mail within 30 days, or such other reasonable time as the Chair of TSSA's Appeals and Discipline Committee may direct, of the date of receipt of the grievance by the TSSA Executive Director. The response must certify that the response and all supporting documents have been served by certified mail on all other affected parties on the same date as the response was mailed to the TSSA Executive Director.
 - a. Unless good cause is shown, the failure to timely file a response constitutes a default.
 - b. Default may be the basis for granting the grievance. The existence of a default by itself, however, does not obligate or require TSSA to grant the grievance.
 6. Within 14 days of the TSSA Executive Director's receipt of the response to the grievance or 14 days of the date such a response was due, whichever is earlier, the Chair of TSSA's Appeals and Discipline Committee will cause all parties to be notified of the time and place of the hearing on the grievance and the procedures for the hearing. The hearing shall be set at the earliest reasonable time, but in no event later than 90 days from the date of the receipt of the grievance.
 7. TSSA's Appeals and Discipline Committee Chair shall appoint at least three members of TSSA's Appeals and Discipline Committee, one of whom shall be designated the chair, as the hearing panel. The hearing panel may grant or deny the grievance in whole or in part.
 8. The hearing panel will notify the Executive Director of TSSA by mail and when possible by electronic means of its decision in writing within 7 days after the completion of the hearing. The Executive Director of TSSA shall notify the affected parties by mail and when possible by electronic means of the decision in writing the same day or the next business day of the receipt of the decision by the hearing

panel. The decision shall state the reasons for the hearing panel's conclusion and provide notice of the right to appeal.

9. Any decision granting or denying in whole or in part a grievance may be appealed to the TSSA board of directors by filing a written notice of such an appeal with TSSA's Executive Director within 10 days of the date of mailing of the hearing panel's decision. The TSSA board of directors in its discretion may elect to review or may decline to review the matter by appeal. The reasons for any decision will be submitted to the affected parties by mail and when possible by electronic means of the decision in writing, by the Executive Director of TSSA, the same day or the next business day of the receipt of the decision by the hearing panel

F. Disciplinary Matters

1. Reasonable sanctions arising out of misconduct relating to a game or competition (send offs) that are proportionate to the nature and severity of the misconduct may be imposed without first holding a hearing. These sanctions are considered automatic, meaning that no notification or hearing is required and the service of these sanctions is to begin immediately. Any person, persons or association that does not serve the prescribed sanctions shall be subject to a disciplinary hearing and greater penalties may be imposed by the hearing panel.
2. Fair notice and an opportunity for a hearing shall be accorded to any coach, player, manager, administrator, or official before the governing body may declare that the individual is ineligible to participate in any games, tournaments, training, club activities, USSF/TSSA sponsored events. The exception to this is a violation of USSF Policy 531-9 as it refers to Referee Assault. Referee Assault warrants immediate suspension pending a hearing. Prior to any suspension or disciplinary action being imposed, the governing body must conduct a hearing for the individual (s) or association (s) involved. The governing authority shall set a date, time, and place for holding a hearing. The hearing rights and procedures are outlined and specified within this policy in Section G.
3. The governing authority may affirm, reverse or reverse the sanction imposed or reverse and remand the matter for further proceedings.
4. The governing authority will notify the parties by mail and when possible by electronic means of its decision in writing within 7 days after the completion of the hearing. The decision shall state the reasons for the hearing panel's conclusion and provide notice of the right to appeal, including the identity and address to which an appeal is made.
5. The sanctions imposed shall remain in full force and effect unless and until they are modified or reversed.

G. Hearing Rights and Procedures

The hearing committee will be comprised of no less than three (3) or no greater than five (5) impartial members. The committee will be chaired by a non-voting participant. As per TSSA Bylaw III Section B.2, the Vice President of Competitive or his designate will serve as the chair person for the Discipline and Appeals Committee.

1. In all hearings conducted under this policy, the parties shall have the right to:
 - a. Reasonable time to prepare for the hearing and as specified throughout portions of this Policy;
 - b. A hearing date, time, and place that is reasonable so as to make it practical for the parties to attend;
 - c. A hearing before a disinterested and impartial body;
 - d. To be assisted at the hearing, as provided in U.S. Soccer policy 701-1, by one person (in the event the accused is a minor, they may also be accompanied by one parent or legal guardian);
 - e. To present witnesses and present oral and written or documentary evidence and argument;
 - f. The right to be provided the identity of witnesses at least 72 hours before the hearing and to be present when witnesses testify.
 - g. To have a record made of the hearing if desired and requested. The requesting party shall bear the expense of having the recording transcribed.
 - h. To have a written decision with reasons stated based solely on the evidence of the record of the hearing;
 - i. That no one participating in the making of the decision at a hearing engage in "ex par tea" communications except to provide explanations of procedures. "ex par tea" communications are communications about the substance or merits of the hearing that are held outside the presence of everyone concerned. For instance, if a League president accuses a coach of violating a rule, the League president should not discuss the case with a member of the hearing panel in private before the actual hearing. The accused also should not discuss any issues with any panel member. Copies of any written communications with the panel should be sent to each of the parties involved in the hearing. The hearing is not governed by the rules of evidence or civil procedure.
2. The procedures for the hearing are as follows:
 - a. The party or parties initiating the proceeding present their opening statement and evidence;
 - b. The opposing parties present their opening statement and evidence;
 - c. Questioning by the hearing panel or body conducting the hearing;
 - i. Parties do not have the right to directly question or cross-examine other parties or their witnesses. Questions that a party may wish to pose to another party or their witnesses must be addressed to the hearing panel who will decide whether the hearing panel will ask the question.
 - ii. The time allotted for questions by the hearing panel shall be determined by the hearing panel
 - d. The party or parties initiating the proceeding present their closing argument;
 - e. The opposing party presents its closing argument.

- f. The amount of time allotted to each side for opening statements and presentation of evidence and for closing argument shall be set by the hearing panel, but shall be the same amount of time for all parties;
3. The governing authority conducting the hearing shall maintain a record of the hearing, including copies of all documents submitted in connection with the hearing.
4. All hearing results of local associations resulting in suspensions or declarations of Bad Standing shall be submitted to the Executive Director of TSSA in writing at the same time the results are given to the affected parties. This is for the purpose of allowing TSSA to be in a position of supporting and enforcing the decision.

H. Appeals

1. Appellate Procedures
 - a. An appeal is a review of a hearing.
 - b. An appeal may be initiated only by a party aggrieved by a decision of a panel following a hearing.
 - c. The appellant shall bear the burden of showing that the decision being appealed is clearly erroneous.
2. An appeal must be filed within 7 calendar days of the receipt of the decision following the hearing. An appeal is initiated by filing with the organization that will decide the appeal all of the following:
 - a. The written notice of appeal on the required form;
 - b. The required fee;
 - c. The record of the hearing.
 - i. The record of the hearing consists only of all documents or other tangible materials submitted to the hearing panel. Documents and other tangible materials that are not part of the record of the hearing will not be accepted or considered on appeal.
 - d. The written argument of the appealing party.
2. Within 10 days of the filing of an appeal, the governing authority deciding the appeal shall provide written notice of the existence of the appeal and copies of all documents submitted with the appeal to all parties. The written notice shall state the date by which the written argument of parties other than the party appealing in response to the appeal shall be filed.
3. The governing authority shall, within 10 days of receipt of the arguments, in response to the appeal appoint a neutral and impartial panel to decide the appeal, and shall set a date for the appellate panel to confer and decide the appeal.
 - a. Parties do not have a right to personally appear or present witnesses or oral argument to the appellate panel. If the appellate panel in its discretion allows a party to personally participate, all parties must be allowed to participate in the same manner and to the same extent.

4. The appellate panel must accept factual determinations made by the hearing panel or factual determinations reasonably inferred from the hearing panel's decision unless those determinations are arbitrary or capricious. A factual determination is not arbitrary or capricious if it is supported by any credible evidence in the record.
5. The appellate panel may affirm, reverse, or reverse and remand the decision of the hearing panel, or remand the matter to the hearing panel for further proceedings.
6. The appellate panel shall within 7 days of the appellate panel's conference and decision notify all parties in a writing citing the rules applied and setting forth the basic findings and reasoning of its decision. The written notice shall also provide notice of further rights to appeal, if any, and to who such appeals are to be made.
7. A decision made by a hearing panel or an appellate body is not suspended and remains in full force and effect while any appeal is pending and unless and until it is modified by a governing authority with jurisdiction over the matter.
8. Tennessee State Soccer Association Appeals and Discipline Committee
 - a. The TSSA Appeals and Discipline Committee shall consist of up to 10 people, one of whom shall be designated the chair of the committee, appointed by the President and approved by the board of directors.
 - b. Appeals to the TSSA Appeals and Discipline Committee shall be made by filing the appeal with the TSSA Executive Director. Upon receipt of an appeal, the Executive Director shall notify the Chair of the Appeals and Discipline Committee of the appeal. The chair shall appoint an appellate panel of at least three disinterested and impartial members of the committee to decide the appeal, one of whom will be the chair of the appellate panel.
 - c. Appeals from decisions of local member associations shall be made to the TSSA Appeals and Discipline Committee. Appeals from decisions of the TSSA Appeals and Discipline Committee shall be made to the Executive Committee of TSSA and then, if appropriate, to the United States Soccer Federation.
 - d. Decisions of the Appeals and Discipline Committee and its hearing and appeals panels shall be ratified by the TSSA Board of Directors.

I. Exhaustion of Remedies

1. No individual or group shall invoke the aid of the courts without first exhausting all available remedies within the appropriate soccer organizations.
2. For any violation of this rule, the offending party shall be subject to sanctions of suspension and fines, and shall be liable to TS for all expenses incurred by TS and its officers in defending each court action including but not limited to the following:
 - a. Court Cost
 - b. Attorney's fees

- c. Reasonable compensation for time spent by TS officers and employees in responding to and defending against allegations in the action.
- d. Travel expenses
- e. Expenses for holding special meetings necessitated by court action.