

Section 5
ADJUDICATION
Policies and Procedures

5.1 Adjudication Committee (AC)

511 Duties and Responsibilities

1. Review the adjudication policies found in this section and suggest changes to the Board.
2. Review and decide disciplinary and protest matters, and appeals from such matters.
3. Annually submit a budget to the Board.
4. Quarterly submit a written report to the Board.

512 Organization

1. The AC shall have two (2) co-chairs, who are appointed as set forth in UYSA's Bylaws.
2. One co-chair shall coordinate and supervise disciplinary matters (DC), and the other chair shall coordinate and supervise both protest matters and appeals (PC).
3. The Chairs shall nominate no less than six (6) additional members to be part of the AC, which members shall be approved by UYSA's President.
4. UYSA's President will be an *ex officio* member of the AC, but will not have a vote.

513 Recusal and Disqualification

1. A member of the AC shall recuse himself/herself from participation in any matter in which that member or any immediate family member has a direct interest or the appearance of a conflict of interest.
2. A Chair may disqualify a member of the AC from participation in any matter under that Chair's purview if the Chair believes that such member or any immediate family member has a direct interest or the appearance of a conflict of interest.

514 Meetings

1. The AC shall meet at least once quarterly to review policies and any issues affecting the AC.
2. Notice of the date, time, location, and agenda of meetings shall be provided to all AC members at least ten (10) days prior to the meeting.
3. The agenda for each AC meeting shall be provided to each committee member at least ten (10) days before the date of the meeting.
4. Minutes shall be kept of assignments and decisions made at each AC meeting.

5.2 Disciplinary Matters

521 Jurisdiction

The AC has original and exclusive jurisdiction over all complaints of a Member's violation of UYSA Rules, USYSA Rules, and USSF Rules.

522 Process

5221 Initiation of Action

A disciplinary action may be initiated in either of the following ways:

1. By the filing of a written complaint by a UYSA Member ("Complainant"). Verbal referrals will not be considered.
 - a. The complaint must be electronically transmitted, mailed, or hand delivered to the State Office within five (5) business days of when the Complainant discovers or should have, with reasonable diligence, discovered the violation complained of.

- b. Each complaint must be accompanied by a certified check or equivalent for \$50 payable to UYSA to cover administrative costs.
 - (1) Requests for waiver of the filing fee will be decided by the UYSA President, and all decisions regarding fee waivers are final with no appeal rights.
 - (2) If the disciplinary referral results in disciplinary action, the filing fee shall be refunded.
 - c. The complaint shall include the following information:
 - (1) The Member against whom the complaint is filed (“Respondent”);
 - (2) The specific UYSA, USYSA, and/or USSF Rule(s) violated;
 - (3) All facts supporting the complaint;
 - (4) Any supporting documentation, including referee game reports if applicable.
2. By the State Office.

5222 Referral

1. Within three (3) business days of receiving a written complaint or discovery of a violation by the State Office, the State Office will determine if the complaint or problem involves the SCL, IRL, or X-league (individually “State League”).
2. If the matter involves a State League, the matter will be referred to the League Commissioner (“LC”) for investigation and decision. In these cases, a copy of the complaint will be forwarded to the DC for information purposes.
3. If the matter does not involve a State League, the matter will be forwarded to the DC for investigation and decision. In these cases, the DC may utilize the LC in the investigation process.

5223 Initial Review

1. Within ten (10) business days of receiving a written complaint, the DC or LC (“Reviewer”) shall conduct an initial review thereof and determine if the complaint should be summarily dismissed or retained for further investigation.
2. The Reviewer may summarily dismiss the complaint if it is defective on its face or sets forth insufficient facts to support an actionable offense. Notice of summary disposition shall be given to the party that filed the protest (“Complainant”).
3. If the Reviewer determines that the complaint warrants investigation, he/she shall immediately give notice of the complaint to the Respondent along with a copy of the complaint. In cases where the DC is the Reviewer, the Reviewer shall also give the parties notice that they may request a hearing. The Reviewer shall also forward a copy of the complaint to the appropriate Region Director.
4. If the LC is the Reviewer and it appears to him/her that a suspension of more than four games over the mandatory minimum penalty would be recommended, the LC will immediately refer the matter to the DC.

5224 Preliminary Findings and Orders

1. Immediate Suspension – The Reviewer or UYSA President shall issue an immediate suspension of the Respondent if the following allegations exist:
 - a. Assault, defined as follows:
 - (1) An attempt, with unlawful force or violence, to do bodily injury to another;
 - (2) An act committed with unlawful force that causes bodily injury to another or creates a substantial risk of bodily injury to another.
 - (3) Assault includes, but is not limited to, committing or attempting to commit the following acts: hitting, kicking, punching, choking, spitting on, grabbing or bodily running into a person; head butting a person; kicking or throwing any object at a person that could inflict injury; and damaging a person’s personal property.

- b. Sexual abuse.
2. Injunction – The Reviewer may issue an order enjoining the Respondent from taking certain actions pending decision on the Complaint.

5225 Investigation and Discovery

1. The Reviewer may require any Member to provide documentation related to the matter.
2. The Reviewer may require any Member to appear at a hearing and provide testimony related to the matter.
3. Failure to cooperate with Reviewer requests may be grounds for disciplinary action, including immediate suspension from UYSA activities.
4. The Reviewer may conduct all other inquiries and gather all other facts legally available to it.
5. Any Member may submit to the Reviewer a written statement or other evidence related to the matter.
6. The DC may refer investigation and discovery functions to the LC, but not the hearing function.

5226 Panel Assignment

1. If the DC is the Reviewer, and determines that a complaint warrants a hearing, he/she shall assign up to three (3) AC members (“Panel”) to the matter.
2. In the event that a suitable Panel cannot be seated due to disqualifications, unavailability, or other reasons, the DC may appoint impartial individuals to the Panel.

5227 Hearing (DC cases only)

1. The Complainant or Respondent may request a hearing.
2. If the Complainant requests a hearing, the DC has the sole discretion whether to grant the request.
3. If the Respondent requests a hearing, the DC must grant the request.
4. The DC, on its own volition, may determine that a hearing is necessary.
5. If a hearing is granted or deemed to be necessary, the DC shall give reasonable notice of the time and place to the Complainant, Respondent, and any other parties from whom the DC would like to gather testimony.
6. The hearing may be recorded by electronic means or by an unaffiliated individual.
7. Witnesses may appear telephonically if the parties agree.
8. The Panel may adopt hearing procedures it deems appropriate, provided that the parties are allowed an opportunity to appear, give testimony, and offer evidence.

5228 League Commissioner Findings and Decision

1. If the LC is the Reviewer, upon completion of his/her investigation, but no later than fifteen (15) business days after receiving a completed referral, unless extraordinary circumstances exist, the LC shall issue to the Complainant and Respondent a written report of the LC’s findings and decision.
2. The LC may impose any form of discipline deemed appropriate, including the following, unless otherwise prohibited by UYSA, USYSA, or USSF Rules:
 - a. Probation – conditions are put on a Member’s rights for a specific period of time.
 - b. Suspension – the individual or Organization loses its membership and associated rights for a specific period of time. The individual or Organization’s membership is automatically restored at the end of the suspension period.
 - c. Debarment - the individual or Organization loses its membership and associated rights for a specific period of time. The individual or Organization must reapply for membership at the end of the debarment period.
3. A copy of the LC’s decision shall be maintained in a confidential file at the State Office.
4. A party may appeal the LC’s decision to an Appeals Panel led by the DC in accordance with the appeals procedures set forth hereafter.

5. Notice of the final decision shall be sent to the Regional Director for the Region where the Member has residency and the representative of the applicable Organizational Member.

5229 Panel Final Decision

1. If the Panel is the Reviewer, upon completion of its investigation, but no later than fourteen (14) days after a hearing, the Panel shall issue a written decision and provide notice of the decision to the Complainant and the Respondent along with notice of any appeal rights.
2. The Panel may impose any form of discipline deemed appropriate, including the following, unless otherwise prohibited by UYSA, USYSA, or USSF Rules:
 - a. Probation – conditions are put on a Member’s rights for a specific period of time.
 - b. Suspension – the individual or Organization loses its membership and associated rights for a specific period of time, and may be prohibited from participating in certain UYSA activities. The individual or Organization’s membership is automatically restored at the end of the suspension period.
 - c. Debarment - the individual or Organization loses its membership and associated rights for a specific period of time. The individual or Organization must reapply for membership at the end of the debarment period.
3. Decisions shall be made by a Majority vote of the Panel.
4. A copy of the decision shall be maintained in a confidential file at the State Office.
5. A party may appeal the Panel’s decision to an Appeals Panel led by the PC in accordance with the appeals procedures set forth hereafter.
6. Notice of the final decision shall be sent to the Regional Director for the Region where the Member has residency and the representative of the applicable Organizational Member.

523 Enforcement

- 5231** Decisions of the AC made pursuant to this section, whether made by the LC or DC, shall be recorded by the State Office in the Respondent’s record, if it exists, in SOMS.
- 5232** All Directors, Officers, and Members of UYSA shall honor the decision and report any violations of the decision.
- 5233** Any violation of a decision issued by the AC is grounds for further disciplinary action.
- 5234** Stay of Execution – Except in cases where the Respondent is subject to immediate suspension or other discipline as provided herein, or in cases that the Reviewer deems it warranted for the discipline against the Respondent to go into effect immediately, any discipline imposed by the Reviewer upon the Respondent shall not go into effect until the sixth (6th) business day after the date the Reviewer’s decision is sent to the Respondent, unless the Respondent timely files an appeal of the Reviewer’s decision with UYSA, in which case said discipline shall not go into effect until a decision is issued by the Adjudication Committee on the Respondent’s appeal.

5.3 Protest Matters

531 Jurisdiction

1. The AC has original and exclusive jurisdiction over all protests of the following:
 - A. Administrative actions, decisions, or outcomes relating to a State Competition match;
 - B. Administrative actions, decisions, or outcomes relating to State Cup or President’s Cup;
 - C. Administrative actions or decisions by UYSA Directors, Officers, committees, or employees.
2. The AC has appellate jurisdiction over adverse administrative actions or decisions of Organizational Members or Teams, including actions and decisions relating to tournaments run by such Members or Teams.
3. A protest with respect to an administrative action, decision, or outcome must be based upon an alleged violation of UYSA, USYSA, or USSF Rules, or the published rules of another Organization that has jurisdiction.

4. Judgment calls made by referees in the context of a match are not subject to protest. However, a misapplication of the Rules of the Game that had a substantial effect on the outcome of a match may be protested.

532 Standing

Only a Member, Team, or Organization that was directly affected by the protested action or decision may protest such action or decision.

533 Process

1. Filing of Protest
 - A. A written protest must be electronically transmitted, mailed, or hand delivered to the State Office within five (5) business days of the protested action or decision.
 - B. Each protest must be accompanied by a certified check or equivalent for \$200 payable to UYSA to cover administrative costs. If the protest is upheld, the filing fee shall be refunded.
 - C. The protest shall include the following information:
 - (1) The specific action, decision, or outcome protested;
 - (2) Citation to the specific UYSA, USYSA, USSF Rule(s) or Organization Rule violated;
 - (3) The remedy sought by the protestor;
 - (4) Any supporting documentation, including referee game reports if applicable.
 - D. Within 48 hours of receiving the complaint, the State Office shall refer the complaint to the PC.
2. Initial Review
 - A. Within ten (10) days of receiving the protest, the PC shall conduct an initial review thereof.
 - B. Within three (3) days of the PC's initial review, he/she shall determine if the protest should be summarily dismissed or retained for further investigation.
 - C. The PC may summarily dismiss the protest if it is defective on its face or sets forth insufficient facts to support an actionable protest. Notice of summary disposition shall be given to the party that filed the protest ("Petitioner").
 - D. If the PC determines that the protest warrants investigation, he/she shall immediately give notice of the protest to all individuals and/or Organizations directly affected by the protest. The PC shall give the parties notice that they may request a hearing.
3. Panel Assignment
 - A. If the PC determines that the protest warrants investigation, he/she assign three (3) AC members ("Panel") to the matter.
 - B. In the event that a suitable Panel cannot be seated due to disqualifications, unavailability or other reasons, the PC may appoint impartial individuals to the Panel.
4. Investigation and Discovery
 - A. The Panel may require any Member to provide documentation related to the protest.
 - B. The Panel may require any Member to appear at a hearing and provide testimony related to the protest.
 - C. Failure to cooperate with Panel requests may be grounds for disciplinary action, including immediate suspension from UYSA activities.
 - D. The Panel may conduct all other inquiries and gather all other facts legally available to it.
 - E. Any Member may submit to the Panel a written statement or other evidence related to the protest.
5. Hearing
 - A. The Petitioner or any affected party may request a hearing.
 - B. The Panel may determine in its sole discretion whether to grant a request for a hearing.

- C. If the Panel determines that a hearing is necessary, it shall give reasonable notice of the time and place to the Petitioner, all affected parties, and any other parties from whom the Panel would like to gather testimony.
- D. The hearing may be recorded by electronic means or by an unaffiliated individual.
- E. Witnesses may appear telephonically if the parties agree.
- F. The Panel may adopt hearing procedures it deems appropriate.

6. Standard of Review

- A. If the protest pertains to an action taken or decision made by UYSA officials under express discretionary authority, the action or decision shall be reviewed under the “abuse of discretion” standard.
- B. If the protest pertains to an action taken or decision made by UYSA officials without express discretionary authority, the action or decision shall be reviewed under the “de novo” standard.
- C. If the protest pertains to an outcome of a UYSA-sponsored event, the outcome shall be reviewed under the “de novo” standard.
- D. If the protest pertains to an action taken or decision made by an Organizational Member or Team the action or decision shall be reviewed under the “substantial basis” standard.

7. Final Decision

- A. Upon completion of its investigation, but no later than seven (7) days after a hearing, the Panel shall issue a written decision and provide notice of the decision to the Petitioner along with notice of any appeal rights.
- B. The Panel may take the following actions with respect to the protested action, decision, or outcome:
 - (1) Affirm the action, decision, or outcome;
 - (2) Reverse the action, decision, or outcome;
 - (3) Remand the matter to the original decision maker for reconsideration.
- C. Decisions shall be made by a Majority vote of the Panel.
- D. A copy of the decision shall be maintained in a file at the State Office.
- E. Any affected party may appeal the Panel’s decision to an Appeals Panel in accordance with the appeals procedures set forth hereafter.

534 Expedited Matters

- 1. In the following instances, a protested matter shall be expedited:
 - A. If the protested matter involves a decision made by the competition committee with respect to team alignment; or
 - B. If the protesting party requests an expedited process and can demonstrate a high probability that it will suffer irreparable harm if the process is not expedited.
- 2. In the case of an expedited matter, the following process will apply:
 - A. The protest must be filed and the protest fee paid by the close of business on the first business day after the day the decision is published.
 - B. Within twenty-four (24) hours of receipt of the protest and fee, the State Office must refer the protest to the PC for immediate referral to a Panel and must prominently post notice of the protest on the UYSA website.
 - C. Within twenty-four (24) hours of the matter being posted on the UYSA website, the Petitioner and any affected party may request a hearing. The Panel will have sole discretion as to whether to grant a hearing request. Within the same timeframe, the Petitioner and any affected party may submit to the Panel a written statement or other evidence related to the protest.
 - D. Within three (3) calendar days of referral of the protested matter, the Panel must publish a decision.

5.4 Appeals

541 Jurisdiction

The AC has jurisdiction over all appeals of decisions issued by an AC Panel for disciplinary and protest matters.

542 Process

1. Filing of Appeal
 - A. Within five (5) business days of issuance of a written decision, a party may file a notice of appeal to the AC.
 - B. The notice of appeal must be electronically transmitted, mailed, or hand delivered to the State Office.
 - C. Each notice of appeal must be accompanied by a certified check or equivalent for \$150 payable to UYSA to cover administrative costs. Requests for waiver of the filing fee will be decided by the UYSA President and all decisions regarding fee waivers are final with no appeal rights.
 - D. The notice of appeal shall include the following information:
 - (1) A statement indicating why the AS has jurisdiction;
 - (2) The name, address, and phone number of all affected parties;
 - (3) The decision being appealed and the body that issued the decision;
 - (4) A brief statement of relevant facts;
 - (5) A list of all UYSA, USYSA, and/or USSF Rules allegedly misinterpreted, misapplied, or violated;
 - (6) A certification that all lower-level administrative remedies have been exhausted;
 - (7) A statement of the desired resolution or remedy;
 - (8) A certification that all parties have been served with a copy of the notice of appeal;
 - (9) Any supporting documentation, including referee game reports if applicable.
2. Summary Disposition

The PC may summarily dismiss an appeal if it is untimely, moot, or defective.
3. Appeal Record
 - A. Within seven (7) days of the filing of a proper appeal, the State Office shall accumulate any written decisions, transcripts of hearing, and documentation given to or produced by the body whose decision has been appealed.
 - B. The appeal record shall be given to the PC.
4. Panel Assignment
 - A. Within seven (7) days of receiving the appeal record, the PC shall assign three (3) AC members (“Appeals Panel”) to the matter.
 - B. The PC may not assign to the Appeals Panel any individual that was a member of the Panel whose decision is being appealed.
 - C. In the event that a suitable Appeals Panel cannot be seated due to disqualifications, unavailability or other reasons, the PC may appoint impartial individuals to the Panel.
5. Panel Determination

Within fourteen (14) days of receiving the appeal assignment, the Appeals Panel shall decide whether to have a hearing or to decide on the record.
6. Hearing
 - A. If the Appeals Panel determines that a hearing is necessary, it shall give reasonable notice of the time and place to the parties and any other individuals from whom the Appeals Panel would like to gather testimony.
 - B. The hearing may be recorded by electronic means or by an unaffiliated individual. Witnesses may appear telephonically if the parties agree.
 - C. The Appeals Panel may adopt hearing procedures it deems appropriate.
 - D. The Appeals Panel may limit issues and evidence to those presented at the lower levels.

7. Standard of Review
 - A. Questions of fact shall be reviewed under the “clearly erroneous” standard.
 - B. Questions of law shall be reviewed under the “de novo” standard.
 - C. Questions of administrative or discretionary decisions made by the lower body shall be reviewed under the “abuse of discretion” standard.

8. Final Decision
 - A. Within seven (7) days of a hearing or the Appeals Panel’s decision that a hearing is not necessary, the Panel shall issue a final written opinion and the State office shall serve it upon the relevant parties.
 - B. Decisions shall be made by a Majority of the Appeals Panel.
 - C. The Appeals Panel may uphold or overturn the decision of the lower body. The Appeals Panel may also return the matter to the lower body for further investigation.

5.5 Exhaustion of Administrative Remedies

A Member must exhaust the remedies provided by this section, including appeals, before invoking the aid of any state or federal court. If a Member fails to exhaust its administrative remedies before filing an action in court, such Member shall be subject to suspension and shall be liable to UYSA and/or USSF for all costs and expenses incurred by the UYSA and/or USSF, including their Directors and Officers, in defending such court action. UYSA and/or USSF shall be entitled to all costs and expenses, including but not limited to, court costs, attorney fees, travel expenses, and reasonable compensation for time spent by Officers and employees in defending the action.

5.6 Service

Service of any document or notice required herein shall be accomplished by electronic means, including email or fax; by first-class mail; or by hand delivery. In emergency situations, service may be accomplished by telephone.

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