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DISCIPLINE & APPEALS MANUAL

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Chapter I- General

Purpose of the Manual

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

Policy of NJYS

It is the policy of NJYS to guarantee due process to all members of the Association. Individuals involved in any process of the Discipline & Appeals Committee or any process of NJYS 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 NJYS' requirements may result in disciplinary action being taken against that organization.

Per the NJYS Bylaws, Section XXV, Disciplinary Authority:

The NJSYSA shall conduct its business with due respect for the spirit of the game and for the benefit of the players. In accordance therewith, the Executive Committee of the Board of Directors shall have the right and authority to suspend, bar completely or otherwise discipline any player, coach, manager, team assistant, team or officer of any affiliated team, club, traveling league, or recreational league or State official, for due cause.

- A. A request for disciplinary action referred to the NJSYSA by another affiliated State, provincial or national association shall be handled by the Discipline & Appeals Committee.*
- B. A request for disciplinary action involving the assault of a referee shall be handled by the Discipline & Appeals Committee.*
- C. Discipline of league officers for administrative issues shall be handled by the Board of Directors.*
- D. Discipline of State officers for administrative issues shall be handled by the Board of Directors.*
- E. Discipline of member Clubs for administrative issues shall be handled by the Executive Board.*

Objective of the Adjudication Process

The objective of the NJYS Discipline & Appeals process is to provide fair consideration of matters in dispute within the family of NJYS. Embodied in this objective is the notion that every member of NJYS 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. NJYS 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 discernible rules.

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

Chapter II- Discipline & Appeals Committee

The Discipline & Appeals Committee is a Committee of NJYS volunteers.

Purpose of the Discipline & Appeals Committee

The purpose of the Discipline & Appeals Committee is to hold original fact-finding hearings in certain cases and hear appeals from decisions of NJYS members.

Objective of the Discipline & Appeals Committee

The objective of the NJYS discipline & appeals process is to provide fair consideration of matters in dispute within the family of NJYS. Embodied in this objective is the notion that every member of NJYS 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.

Quorum of Discipline & Appeals Committee Members

NJYS requires at least three members of the Discipline & Appeals Committee to be present for any hearing. While the Committee is comprised of more than three members from NJYS, 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 Discipline & Appeals Committee Members

Discipline & Appeals Committee decisions are by majority vote. In the event of a tie, the Committee Chair's vote breaks the tie. Individual votes and deliberations are confidential except to the extent disclosed in Committee decisions.

Diversity and Involvement

The NJYS President appoints members of the Discipline & Appeals Committee. It is in the interest of the NJYS 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 NJYS-sponsored programs and activities.

Conflicts of Interest

Occasionally, members of the Discipline & Appeals 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 a Discipline & Appeals Committee member is loosely affiliated with a club whose actions or members are involved in a matter before the Committee. Another example might be a Discipline & Appeals 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 the motion of any party to a pending matter.

Chapter III- Jurisdiction

Primary Jurisdiction

The Discipline & Appeals 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 (Appendix 1); 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 (Appendix 2).

Other Jurisdiction

The Discipline & Appeals Committee also has jurisdiction for matters concerning NJYS Zero Tolerance Against Abuse (Appendix 3).

The Discipline & Appeals Committee has jurisdiction on any other issue assigned to them by the NJYS Board of Directors.

Appellate Jurisdiction

Except where it is defined by the NJYS Bylaws and Constitution or determined by the NJYS Board of Directors, the Discipline & Appeals Committee has appellate jurisdiction over:

1. Decisions of members of NJYS (i.e., member Leagues); and
2. Decisions of any individual, committee, or group having responsibility for administering an activity conducted or sponsored by NJYS.

Provided that all protests and appeals must be exhausted before a matter will be considered by the Discipline & Appeals Committee. Provided further, appeals must be submitted to the Discipline & Appeals Committee within 48 hours of the decision. The appeal shall be in writing and shall be accompanied by cash, certified check, money order, or credit card phoned into the NJYS office for the current amount established by the NJYS Executive Board and made payable to "NJ Youth Soccer."

Chapter IV- Hearing Procedures

The Discipline & Appeals Committee will conduct hearings consistent with the procedures contained in the United States Soccer Federation Bylaw 701 and Policy, 701-1 (Appendices 4 & 5).

Burden of Proof

When the Discipline & Appeals Committee holds an initial fact-finding hearing, decisions are made based upon the preponderance of evidence.

When the Discipline & Appeals Committee holds an appeal proceeding, its review is based on previously submitted evidence.

Additional Criteria for Appeal Proceedings

The Discipline & Appeals 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 Discipline & Appeals 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 NJYS, US Youth Soccer, USSF, or Federal or State laws?

Legal Representation Before the Adjudication Committee

The Discipline & Appeals 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 New Jersey Youth Soccer

A decision of the Discipline & Appeals Committee is the final decision of NJYS. 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 Discipline & Appeals 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 are not returned, even if the appellant prevails. Appeal fees paid to NJYS may be returned if the appellant prevails, and NJYS will make that determination in its sole discretion.

Chapter V- Suspension Because of Litigation

US Youth Soccer requires member associations to suspend individuals temporarily if they are involved as a defendant in litigation, as described below. NJYS 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

USSF, US Youth Soccer and NJYS 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 NJYS 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 NJYS 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.

Appendix 1- USSF Policy 531-9 -- Misconduct Toward Game Officials

Section 1. General

Misconduct against referees may occur before, during and after the match, including travel to or from the match. Misconduct may occur also at later times when directly related to the duties of a game official as a referee.

Section 2. Rule Application

- (A) This policy shall supersede any inconsistent rules of Organization Members that pertain to assaults or abuse upon Federation referees, assistant referees, the manner and means of hearings, appeals, and rehearings in matters pertaining thereto.
- (B) Nothing in this policy rule shall be construed to restrict or limit any league, event/tournament or Organization Member from applying equal or greater restrictions to anyone not listed in section 4(a)(1) of this policy (i.e., a spectator associated with a club or team).
- (C) This policy shall not apply to players, coaches, managers, club officials, or league officials while participating in Professional League Member activities.

Section 3. Terms and References

As used in this policy –

- (1) “Referee” includes the following:
 - (a) all currently registered USSF referees, assistant referees, fourth officials or others duly appointed to assist in officiating in a match.
 - (b) any non-licensed, non-registered person is serving in an emergency capacity as a referee (under Rule 3040).
 - (c) any club assistant referee.
- (2) “Hearing” means a meeting of at least three neutral members, one of whom is designated or elected to serve as chairperson. The hearing shall be conducted pursuant to guidelines established by the Organization Member.
- (3) (a) (i) Referee assault is an intentional act of physical violence at or upon a referee.
(ii) For purposes of this policy, “intentional act” shall mean an act intended to bring about a result which will invade the interests of another in a way that is socially unacceptable. Unintended consequences of the act are irrelevant.
- (b) Assault includes, but is not limited to the following acts committed upon a referee: hitting, kicking, punching, choking, spitting on, grabbing or bodily running into a referee; head butting; the act of kicking or throwing any object at a referee that could inflict injury; damaging the referee’s uniform or personal property, i.e. car, equipment, etc.
- (4) (a) Referee abuse is a verbal statement or physical act not resulting in bodily contact which implies or threatens physical harm to a referee or the referee’s property or equipment.
(b) Abuse includes, but is not limited to the following acts committed upon a referee: using foul or abusive language toward a referee that implies or threatens physical harm; spewing any beverage on a referee’s personal property; or spitting at (but not on) the referee.

Section 4. Jurisdiction and Hearings

(A) General

- (1) When any amateur or professional player, coach, manager, club official or game official assaults or abuses a referee, the original jurisdiction to adjudicate the matter shall vest immediately in the responsible Organization Member which is affiliated with the Federation.

- (2) When an allegation of assault is verified by the Organization Member, the person is automatically suspended until the hearing on the assault.
- (3) The Organization Member must hold a hearing within thirty (30) days of the verification by the Member of the abuse or assault or, if applicable, the thirty-day period provided by subsection (B)(3) of this section. If the Member does not adjudicate the matter within that period of time, original jurisdiction shall immediately vest in the Federation's Appeals Committee to adjudicate the matter, to which the same provisions as to the term of suspension shall apply.
- (4) Failure to hold the initial hearing shall not rescind the automatic suspension.

(B) Events and Tournaments

- (1) In the event an assault or abuse of a referee occurs in an event outside the alleged offender's home state, the referee shall (A) immediately notify the Event/Tournament Chairperson, and (B) forward a copy of the game report and his/her comments on the incident to the Event/Tournament Chairman.
- (2) The Event/Tournament Chairperson shall have the right to immediately convene a hearing at the site of the Event/Tournament, at which the alleged offender, the coach of the alleged offender when the offender is a player and the game official should be present. Information presented at this hearing shall promptly be relayed to the alleged offender's Organization Member President by the Event/Tournament Chairperson, both orally and in writing; however, failure to provide written information shall not restrict the offender's home Organization Member from taking action with regard to any referee abuse or assault.
- (3) Final jurisdiction shall vest with the alleged offender's home Organization Member. A hearing shall be held by that Organization Member within thirty (30) days of the receipt of the initial report of the abuse or assault on a referee.

Section 5. Penalties and Suspensions

(A) Assault

- (1) The person committing the referee assault must be suspended as follows:
 - (a) for a minor or slight touching of the referee or the referee's uniform or personal property, at least 3 months from the time of the assault;
 - (b) except as provided in clause (i) or (ii), for any other assault, at least 6 months from the time of the assault:
 - (i) for an assault committed by an adult and the referee is 17 years of age or younger, at least 3 years; or
 - (ii) for an assault when serious injuries are inflicted, at least 5 years.
- (2) A State Association adjudicating the matter may not provide a shorter period of suspension but, if circumstances warrant, may provide a longer period of suspension.

(B) Abuse

The minimum suspension period for referee abuse shall be at least three (3) scheduled matches within the rules of that competition. The Organization Member adjudicating the matter may provide a longer period of suspension when circumstances warrant (e.g., habitual offenders).

Section 6. Appeals

A person who is found to have committed abuse and/or assault may appeal to the Appeals Committee by following the procedures of Federation Bylaw 705 within ten (10) days from receipt of the decision of the Organization Member.

Section 7. Procedure for Reporting Assault and Abuse

(A) Procedures for reporting of referee assault and/or abuse shall be developed and disseminated by the National Referee Committee to all Federation registered referees.

(B) Referees shall transmit a written report of the alleged assault or abuse, or both, within 48 hours of the incident (unless there is a valid reason for later reporting) to the designee of the Organization Member and the State Referee Administrator. For tournaments or special events, the referee shall transmit a written report to the tournament director on the day of the incident and to his home state SRA within 10 days of the incident.

Appendix 2- USSF Policy 531-10 -- Misconduct of Game Officials

Section 1. Terms and References

(A) "Game Officials" includes the following:

(1) all currently registered USSF referees, assistant referees, 4th officials or others appointed to assist in officiating in a match.

(2) any non-licensed, non-registered person is serving in an emergency capacity as a referee (under Rule 3040).

(3) any club assistant referee.

(4) any referee development program person is performing any official function at a match.

(B) "Referee Development Program Person" includes any referee, referee administrator, referee assessor, referee instructor, referee assignor, or other person serving in such capacity in a line or supervisory position, including members of any referee committee appointed by the Federation, its Divisions, Affiliates or Associates, a State Association, or a competition, tournament or other appropriate authority.

(C) "Hearing" means a meeting of at least five members, one of which is designated or elected to serve as Chairman. The Chairman of a hearing shall not vote except to break a tie vote. Such members, including the Chairman, shall not be the State Referee Administrator, the State Director of Referee Instruction, the State Director of Referee Assessment, a Federation National or FIFA Referee, or any other member of the State Referee Administration.

(D) "State Association" shall be that State Association through which the game official is registered or referee development is appointed. Where a state has both Amateur and Youth National State Associations, the reference shall mean that State Association which has legal authority within its state to administer the registration of the referee or the appointment of the referee development program person charged.

Section 2. Procedures

(A) Misconduct at a Match

When any game official is accused of having committed misconduct toward another game official, participant, or spectator at a match, or of having a conflict of interest, the original jurisdiction to adjudicate the matter shall vest immediately in the State Association or Organization Member through which the accused game official is registered. In the situation where Amateur and Youth State Associations exist in a state, and the incident of alleged misconduct occurred at a match sanctioned by one State Association, jurisdiction shall vest with the State Association sanctioning the match in question.

(B) Misconduct Away from a Match

When any game official, referee, referee assistant or referee development program person is accused of unethical conduct, misuse or abuse of authority or conflict of interest in any matter in the pursuit of or may affect the individual's official dealings within and as authorized by the Federation, its Divisions, Affiliates or Associates, a State Associations or Organization Member, or a competition, tournament or other appropriate authority, the matter shall vest immediately in January 2011 15

the State Association through which the accused game official is registered or through which the referee development program person is

(C) Any allegation of misconduct or of conflict of interest by a game official as described by subsection (A) of this section, or of unethical conduct, misuse or abuse of authority or conflict of interest as described by subsection (B) of this section, shall be made in writing to the State Referee Administrator or to the State Association(s) or Organization Member that shall report all such allegations including any allegations against the State Referee Administrator, to the State Association(s) or Organization Members through which the accused game official is registered or through which the accused referee development program person is appointed.

(D) Upon receipt by the appropriate Organization Member of a verified written complaint, a hearing shall be conducted within 30 days from verification pursuant to guidelines established by

the Organization Member having jurisdiction as provided by subsection (A) or (B) of this section. The guidelines may include referring the complaint to the State Referee Committee for the hearing. The hearings and appeal process shall provide for adequate due process for the accused person including proper notice of charges, the right to bring witnesses in defense, and the right to confront and to cross-examine the accusers.

(E) The Chairman of the hearing committee shall transmit the findings of the committee in writing to all parties concerned including the accused and the accusers and to the State Association(s) or Organization Member within seven days of the hearing.

(F) Any party subject to penalties shall receive, at the time of notification of the decision, a notice of the rights of appeal and a copy of the procedures and deadline dates required for such an appeal to be properly considered. Time for filing an appeal shall start with the date official receipt of the decision by the party making the appeal.

Section 3. Penalties

(A) The severity of the penalty imposed upon an individual shall be determined by the decision-making body having jurisdiction.

(B) Penalties may be among the following:

(1) letter of reprimand;

(2) a fine;

(3) suspension from all active participation as a Federation-sanctioned referee for a fixed period of time;

(4) suspension from all active participation in the Federation for a fixed period of time;

(5) any combination of clauses (1), (2), (3) or (4) of this subsection; and

(6) dismissal from the Federation.

(C) Any individual while under suspension from all Federation activity may not take part in any activity sponsored by the Federation or its members.

Section 4. Appeals

(A) Any game official who is found guilty of misconduct as defined in this rule may appeal the decision of the hearing committee as follows:

(1) to a Referee Disciplinary Committee jointly appointed by the Amateur and Youth State Associations.

(2) to the Federation Appeals Committee as provided under Federation Bylaw 705.

(B) The party appealing the decision of a committee shall have ten (10) days to file the notice of appeal of a decision. Time for filing an appeal shall start with the date of official receipt of the decision by the party making the appeal.

Appendix 3- New Jersey Youth Soccer Zero Tolerance Policy Against Abuse

The following guidelines and procedures are established for our staff, volunteers and participants. All members of NJYS are expected to observe and adhere to these guidelines. Coaches, players, managers, club team officials, and volunteers that are registered through NJYS are expected to adhere to this policy. In addition, spectators that are participating through the registration of their child/children with NJYS are expected to adhere to this policy as well.

Abuse of any kind is not permitted within our organization. NJYS does not tolerate physical, sexual, emotional or verbal abuse or misconduct from our players, coaches, officials, volunteers, parents or spectators.

Physical or sexual abuse, including, but not limited to, striking, hitting, kicking, biting, spitting, indecent or wanton gesturing, lewd remarks, indecent exposure, unwanted physical contact, any form of sexual contact or inappropriate touching are strictly prohibited within our organization.

Emotional or verbal abuse is also prohibited. These include, but not limited to, use of foul language or making abusive statements in regard to a person's race, gender, religion, nationality/ethnicity, sex or age. All coaches, officials, and volunteers are appointed through the registration process as protection advocates of this policy. Every member is responsible for reporting any cases of questionable conduct or alleged mistreatment toward participants by any coach, official, volunteer, player, parent, sibling or spectator.

To protect youth participants, as well as the coaches, volunteers, and officials, we strongly recommend that no adult person allow himself/herself to be alone with a child during sponsored activities.

- Do not drive alone with a child participant (other than your own children) in the car.
- Do not take a child alone to the locker room, bathrooms or any other private room.
- If you must have a private conversation with a youth participant, do it within view of others, in the gym or on the field, instead of in a private setting.

When traveling overnight with youth participants, children should be paired up with other children of same gender and similar age group, with chaperones in separate but nearby rooms.

Children should be empowered to trust their feelings and let them know that their concerns and fears are important by listening to them. Open communication between children and parents, or between children and other adults in the organization may help early warning signs of abuse to surface.

The NJYS Board of Directors, the Discipline & Appeals Committee, and the risk management committee will respond quickly to any and all allegations of abuse within this organization. This information will be communicated to the authorities for investigation and will be reviewed by the organization's directors. The alleged offender will be notified of such allegations promptly and may be subject to a disciplinary hearing.

Any person accused of sexual or physical abuse may be asked to resign voluntarily or may be suspended by the board until the matter is resolved. Regardless of criminal or civil guilt in the alleged abuse, the continued presence of the person could be detrimental to the reputation of the organization and could be harmful to the participants. A person who is accused but later cleared of charges may apply to be reinstated within the organization. Reinstatement is not a right, and no guarantee is made that he or she will be reinstated to his/her former position.

Our mission is to promote good sportsmanship throughout the organization and encourage qualities of mutual respect, courtesy, and tolerance in all participants, coaches, officials, volunteers, and spectators.

Children with a strong self-image may be less likely targets for abuse, and they may be less likely to abuse or bully others around them.

Appendix 4- USSF Bylaw 701- Hearing Procedures

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, with all Federation grievance decisions posted on the Federation website, and sent to the Board of Directors and all Organization Members;
- (10) notice of any substantive and material action of the hearing panel in the course of the proceedings; and
- (11) 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 explanations involving procedures to be followed.

Section 2. For the purposes of hearing grievances filed pursuant to Bylaw 704, the President shall appoint a Hearing Panel, consisting of individuals who are certified by the American Arbitration Association (AAA) to conduct arbitration hearings. The Panel shall be appointed on the same schedule as committee appointments, but may be supplemented at a time. Appointments are subject to the approval of the Board of Directors.

Section 3. Federation staff shall assist in the hearing process by communicating with the parties, assembling documents, coordinating hearing dates, and performing other administrative tasks to minimize the time and expense of the hearing.

Section 4. Hearing rules and procedures shall be set forth in the Policies.

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Appendix 5- USSF Policy 701-1 Hearing Procedures

This policy provides the minimum rights that each party would have at a hearing with respect to the right to assistance in presenting one's case at a hearing, as must be allowed under Federation Bylaw 701(5). These minimum rights apply to hearings conducted by Organization Members and their members or other hearing body. A copy of these minimum rights should be delivered to the parties with the notice of the hearing.

(A) Each party at a hearing shall have the right to have an individual present at the hearing to assist the party in presenting the party's case. Such individual may, but shall not be required to be, an attorney.

(B) If the Organization Member or member of the Organization Member ("Complainant") is represented by another individual at any hearing and the hearing panel allows that individual to speak, question the parties and/or witnesses, or grants that individual any other rights, then it shall afford all other parties, or the individual representing the party, including an attorney, the same rights during the course of the hearing as is allowed to the individual representing the Complainant.

(C) If an attorney is present at a hearing to assist a party in presenting the party's case, it shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with the Organization Member's hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.

(D) An Organization Member may provide, as part of its hearing rules and procedures, that an individual assisting a party may be allowed to speak on behalf of the party, make requests or ask questions at the hearing.

(E) Regardless of whether the Organization Member allows the individual assisting the party the rights to speak, make requests or ask questions, as noted in Paragraph D above, an individual assisting the party in presenting the party's case shall have the right to be physically present in the hearing room, and so as not to interfere with the hearing procedure, it is also recommended that the individual be seated close to the party (either behind or next to the party) so that the party may seek assistance when desired during the course of the hearing.

(F) During the course of the hearing, the party may confer briefly with the individual who is assisting before making a statement or request or prior to responding to a question. The panel conducting the hearing may limit the frequency and duration of the conferences so as not to unduly interfere with the proceeding.

(G) If there is confusion or concern, the party may request a recess to confer with the individual assisting the party. Such a request should be granted unless the number of requests by a party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.

(H) An individual assisting a party may prepare written materials for the party and collect documents 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.

(I) Nothing contained in this policy shall prevent an Organization Member from allowing greater rights to assistance than those set forth in Paragraphs A-H above. For example, an Organization Member may, but shall not be obligated to, allow more than one individual to assist a party at any given time.

(J) The rights, either mandatory or permissible under this policy, shall be consistently applied, and the Organization Member should not arbitrarily allow or disallow the rights set forth above to those individuals assisting a party in the presentation or defense of the party's case.