

Policy 705-1—Appeals Committee - [Link to the Federation Site on Appeals.](#)

Section 1. The Chair of the Appeals Committee (AC) and its members shall be appointed by the President, subject to the approval of the Board of Directors. The AC shall consist of at least twenty (20) members, at least 20% of whom shall be Athletes.

Section 2. Three (3) members of the AC shall constitute an Appeals Panel (AP) for the purposes of considering and determining any appeal brought pursuant to Bylaw 705. In any appeal involving an Athlete, at least one (1) member of the AP shall be an Athlete member of the AC. In order to maximize the expertise of the AP and avoid conflicts of interest, the Chair of the AC shall select the AP as the need arises. The Chair shall also designate one member of the AP to act as the AP's Chairperson, who shall, among other things, be the member of the AP responsible for ensuring that the appeal is considered and determined within the time periods prescribed by the Bylaws. No member of the AP may be from the State Association of the parties.

Section 3. Appeals shall be considered and determined by the AP in person or by telephone conference call at the Chair's direction; consideration and determination of an appeal shall be closed to the public and the parties. The AP may decide to allow oral argument either in person or by telephone, with all parties having the opportunity to participate, before its consideration and determination. If allowed, the AP may set time limits for the oral argument and may hold the oral argument on a day prior to the date the AP will consider and determine the appeal. If the AP decides that oral argument is not necessary, then the AP shall decide the matter based upon the record and the parties' written arguments.

Section 4. The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.

Section 5. No new evidence may be presented to the AP unless circumstances have materially changed, or new facts are discovered that were unavailable at the time of the hearing from which appeal is being taken. In such cases, the AP may allow that such new evidence be presented to it provided all parties to the appeal have been given notice and are given an opportunity to respond to the materially changed circumstances or previously unavailable or undiscovered, unavailable facts.

Section 6. If an appellant fails to submit arguments by the deadline for submitting appellant's arguments and no continuance has been granted by the AP, the appeal shall be considered abandoned. If oral argument is allowed and the appellant fails to participate in oral argument without excuse, the appeal shall be considered abandoned.

Section 7. The AP shall issue a final written decision within ten (10) days after it has considered and determined the appeal, however, not more than 20 days after initial consideration except for just cause.

Section 8. The decision rendered by an Organization Member from which an appeal is taken may be suspended by the AP only upon written application by the appellant which accompanies the Notice of Appeal and the finding by the AP of good cause shown. Good cause shown may only be made upon a unanimous vote of the AP and a written decision which specifically states that there is a strong likelihood of success upon the appeal and that circumstances are present which

clearly show that the appellant will suffer irreparable harm unless the decision from which the appeal is taken is suspended pending the determination of the appeal. The decision of the AP regarding suspension of the decision pending determination of the appeal shall be final and may not be further appealed.

Policy 705 -2—Appeals Record

The appeals record shall be submitted by the Organization Member using the format attached hereto. The appeals record shall contain, at a minimum, the following:

1. All documents, exhibits and other evidence in the case.
2. Copies of all rules, procedures, and bylaws used to support the charges and to conduct the hearing.
3. The notice of charges and/or hearing provided the defendant/appellant.
4. The decision of the hearing body and any appeals decisions.

The record shall:

1. be numbered in chronological order
2. be indexed
3. contain only one copy of each document.

If audio or videotapes are made part of the record, there must be four (4) copies of any such tape delivered to the Federation.

If a written transcript has been prepared, it shall be included as part of the record.

The record must be in English. If Members accept documents in other languages, then the Member shall be responsible for providing English translations of the documents prepared by a neutral translator agreed to by the parties.

If the record is not submitted in accordance with this policy, the appeal timetable may be put on hold pending the completion of the record or the appeal may be dismissed. If the appeals timetable is put on hold, the appealing party may apply to the Federation to have their penalty suspended until the case is decided.

Index of Documents Contained in the Certified Appeal Record

Case:_____ Date:_____ Index Page:_____

Record #_____ Date:_____ Description of Document:_____

(attach additional sheets as required)

Certificate:

I certify that each party to this appeal was given the opportunity to present documentation before the record was closed and that the above documentation is the entire record considered in connection with this matter.

Dated:_____

Appeals Committee Chairperson

NOTICE OF APPEAL

PLEASE ATTACH APPEAL FEE: \$ 300 (Cashier's Check or Money Order Only)

_____ **Cashier's Check**

_____ **Money Order**

A. Individual/ Organization Filing Appeal (the Appellant):

Name: _____

Address: _____

Home Telephone No.: _____

Work Telephone No.: _____

Email address: _____

B. Opposing Party/Organization Member Rendering Decision (the Appellee):

Name: _____

Address: _____

Organization Member Telephone No.: _____

Organization Member Email Address: _____

Name of Organization Member President: _____

C. Date of Decision* being Appealed: _____

*** APPELLANT: PLEASE BE SURE TO ATTACH A COPY OF THE DECISION TO THIS NOTICE OF APPEAL.**

D. Please State Briefly the Reasons Why You Are Appealing the Decision:

E. Date Decision was received* by Appellant: _____

*** APPELLANT HAS FOURTEEN (14) DAYS FROM DATE OF RECEIPT OF THE DECISION WITHIN WHICH TO FILE THIS NOTICE OF APPEAL WITH THE UNITED STATES SOCCER FEDERATION, INC. NATIONAL APPEALS COMMITTEE, TO THE ATTENTION OF THE PERSON AND AT THE ADDRESS SET FORTH BELOW:**

I hereby certify that a true and correct copy of this Notice of Appeal, together with appropriate appeals fee in the amount of \$300 (in the form of a cashier's check or money order), made payable to: The United States Soccer Federation, Inc. , has been sent to:

**The United States Soccer Federation, Inc. National Appeals Committee
c/o Daniel T. Flynn, Secretary General
1801 South Prairie Avenue, Chicago, IL 60616.**

I further certify that a true and correct copy of this Notice of Appeal has been sent to the Organization Member and/or the Organization Member President listed in Section B above.

Dated: _____

Signature of Appellant