

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 any 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.

Bylaw 702. OPPORTUNITY TO PARTICIPATE

Section 1. Fair notice and an opportunity for a hearing shall be accorded to any amateur athlete, coach, trainer, manager, administrator, or official before the Federation may declare that individual ineligible to participate in any amateur athletic competition. Section 1 of Bylaw 703 and the procedures of that bylaw apply to any administrative proceeding brought by the Federation against such an individual.

Section 2.

(a) Neither the Federation nor any Member of the Federation may --

- (1) deny or threaten to deny any amateur athlete, coach, trainer, manager, administrator or other official the opportunity to compete in the Olympic Games, Pan American Games, World Championship competitions or such

other "protected competition" as defined in the USOC Constitution; and
(2) subsequent to that competition, censure or otherwise penalize any such individual who participates in any such competition.

(b) Any individual identified in subsection (a) of this section who alleges that he or she has been denied by the Federation or a Member of the Federation a right established by subsection (a) of this bylaw shall immediately inform the President of the Federation and the Federation's USOC Athletes' Advisory Council representative who shall cause an investigation to be made and steps to be taken to settle the controversy. Notwithstanding any efforts taken by the Federation to settle the controversy informally or through the Federation's grievance procedures set forth in these bylaws, the individual may refer the matter to the Executive Director of the USOC for action, as appropriate, under Article IX of the USOC Constitution.

Bylaw 703. GRIEVANCES RELATED TO OPPORTUNITIES TO PARTICIPATE

Section 1. In this bylaw:

(1) "amateur athletic competition" means any Federation sponsored or organized competition in which amateur soccer players compete at a highly competitive level, such as National Team events, international competitions, and ODP programs; and

(2) jurisdiction for any grievance related to a soccer competition sponsored by any other entity shall be with the sponsoring entity whose decision is final unless otherwise appealable to the Federation under these Bylaws.

Section 2. A grievance may be filed by any Athlete, or other eligible athlete, coach, trainer, manager, administrator, or official regarding that individual's opportunity to participate in, or to attempt to qualify for selection to participate in, (1) any amateur athletic competition, (2) any soccer event of the Pan American Games, the Olympic Games, World Championship competitions, or (3) any other "protected competitions" as that term is defined in Article 1, section 2(G), of the USOC Constitution. Any grievance must be made in writing and signed under oath by the person(s) presenting the grievance, and must state the full name(s) and addressees of the athlete, coach, trainer, manager, administrator, official, the Federation, another organization which is a member of the Federation, a committee of the Federation or a committee of a Member of the Federation against whom the grievance is made, and must include with specificity a complete statement of the acts which constitute the grievance, including the requested relief sought. The maker(s) must be prepared to substantiate the grievance at a hearing by personal testimony of a witness or witnesses with personal knowledge subject to cross-examination

and by sworn statements, other witnesses and by other competent evidence. The accused shall have the right to be assisted in the presentation of his or her case at the hearing, including the assistance of legal counsel (if desired), the right to call witnesses and present oral and written evidence and argument, the right to confront and cross-examine adverse witnesses, and the right to have a record made of the hearing if desired.

Section 3. The grievance should be addressed to the President and should be transmitted to the attention of the Secretary General at the Federation office by hand delivery or by certified mail or by facsimile as soon as practicable following the events which are the subject of the grievance.

Section 4.

(a) As soon as is practicable after the receipt of the grievance, the Secretary General shall promptly communicate informally with the parties and the President of the Federation and the Federation's USOC Athletes' Advisory Council representative, and they shall make every effort to resolve the grievance to their and the parties' mutual satisfaction. If unsuccessful, the Secretary General shall, without prejudice to the right of the complainant to pursue remedies available under the Amateur Sports Act and the USOC Constitution, arrange for a prompt hearing of the grievance by a Hearing Committee.

(b) The Hearing Committee shall consist of 5 voting members of the Board of Directors, appointed by the President with the approval of the Executive Committee. The panel shall consist of one member of the Executive Committee (who shall chair the panel), one representative from each the Youth, Adult and Professional Councils and one Athlete; but shall not include any member of the Board having a direct interest, either personally or by virtue of organizational affiliation, in the outcome of the proceeding.

Section 5. Any person, committee, or association against whom a grievance has been filed is entitled to a hearing. The hearing shall be after advance written notice of (1) the specific charges or alleged violations, and (2) the time, place, and opportunity to participate in person and by counsel or other representative given to the person or persons presenting the grievance, the accused and all other possibly affected parties. Notices of hearing must be accompanied by a copy of the written grievance and shall set forth the possible consequences if the charges are found to be true.

Section 6. The Hearing Committee shall review the record of any grievance hearing and promptly issue its written findings and determination based on the evidence of record in accordance with Bylaw 701, which shall be final and binding upon the parties, except as otherwise provided in the Constitution and Bylaws of the USOC.

Section 7. The hearing shall take place no earlier than 20 days after receipt of notice by the person charged and not later than 60 days from such receipt so as to ensure that the person charged has sufficient time to prepare a defense. In emergency situations, these time periods may be shortened by the Hearing Committee in order to expedite a hearing as practical to resolve a matter relating to a scheduled competition.

Bylaw 704. DISPUTES AND GRIEVANCES BY OR AMONG ORGANIZATION MEMBERS

Section 1.

(a) Any complaint by one Organization Member against another Organization Member or any complaint by an individual or an Organization Member which alleges that (A) an Organization Member has failed to comply with its membership requirements in the Federation, or (B) the Federation has failed to comply with its membership requirements in the USOC shall be in writing and signed under oath by the individual or the chief executive of the Organization Member making the complaint. The complaint shall be filed with the Secretary General by certified mail with a copy served on the other parties by certified mail at the same time. The complaint shall set forth the factual allegations in numbered paragraphs with each paragraph containing a single factual allegation. The complaint shall contain also, at a minimum --

- (1) the names and addresses of the parties;
- (2) the alleged grounds of noncompliance;

(3) supporting evidence or documentation forming the basis of the complaint; and
(4) the relief sought.

(b) The complaint shall be accompanied by the grievance fee in the form of money order or cashier's check in an amount equal to the appeals fee set up under Bylaw 705. The grievance fee shall be retained by the Federation.

Section 2. An answer to the complaint, shall be filed by the respondent with the Secretary General by certified mail, with a copy served by certified mail on the parties, within 30 days after the filing of the complaint. If the respondent is without sufficient knowledge or information to admit or deny a given factual allegation, the respondent may so respond. Failure to file an answer within the requisite time period shall serve as a default, except upon a showing of good cause.

Section 3.

(a) The complaint and answer shall be referred to a Hearing Examiner, appointed by the President from members of the Hearing Panel, established pursuant to Bylaw 701. However, any member of the Hearing Panel having a direct interest, either personally or by virtue of an organizational membership affiliation, in the outcome of the proceedings, shall be disqualified from adjudicating the complaint.

(b) Any Organization Member may file an amicus brief to the hearing, pursuant to the guidelines set forth in the Policies.

(c) The Hearing Examiner shall review the grievance complaint and answer. If the Examiner determines that, even assuming all facts alleged by the grieving party are true, the grievance would not be granted, the Examiner shall dismiss the grievance. Otherwise, the panel shall hold a hearing no later than 90 days after the complaint was filed. The Examiner shall render his decision within 30 days after the hearing on the complaint.

Section 4. There shall be a right of appeal of a Hearing Examiner's decision to the Board of Directors under this bylaw, which decision may only be overturned or amended by a two-thirds vote of the Board.

Section 5. Each party shall pay their own expenses for participating in the hearing. The fees and expenses for the Hearing Examiner shall be shared equally between the parties and the Federation.

Bylaw 705. APPEALS PROCEDURES

Section 1.

(a) The Appeals Committee shall consider and determine appeals from final decisions rendered by Organization Members (except Professional League Members) relating to activities sponsored by the Federation or the Organization Member (except a Professional League Member) or its members. The decision of the 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.

(b) (1) In this subsection, "competition" may include games, tournaments, league play, or a regular season.

(2) No decision of an Organization Member 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, is appealable. 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.

Section 2. An appeal shall be made in accordance with procedures established by the Board of Directors and is begun by submitting a notice of appeal within 10 days from the date of the official receipt of the decision by the party making the appeal. Copies of the notice of appeal shall be sent to all opposing parties and to the appeals committee or other body whose decision is being appealed.

Section 3. The notice of appeal shall be accompanied by the appeal fee in the form of money order or cashier's check in an amount determined by the Board of Directors. The appeal fee shall be retained by the Federation.

Section 4. The appeals committee or other body whose decision is being appealed shall, within 10 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, forward to the Secretary General and to all parties the official record utilized by it in making its decision. Parties should not resubmit documents contained in the official record.

Section 5. Within 20 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, the appealing party shall submit to the Secretary General any argument it wishes to make in support of the appeal and shall furnish copies of the argument to all opposing parties and to the appeals committee or other body whose decision is being appealed.

Section 6. Within 30 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, all opposing parties shall submit to the Secretary General any argument they wish to make in opposition to the appeal.

Section 7. A decision rendered by an Organization Member (except a Professional League Member) from which an appeal is taken is not suspended pending the final decision of the Appeals Committee unless the Committee otherwise orders. That decision may be upheld, reversed, or reversed and remanded.

See Policy 705-1 — Appeals Committee

Policy 705-2 — Appeals Record

Bylaw 706. ARBITRATION

The Federation shall submit the following to binding arbitration conducted under the auspices of the American Arbitration Association in accordance with its commercial rules in effect:

(1) any controversy involving its recognition as a national governing body for the sport of soccer, as provided in the Amateur Sports Act and the USOC

Constitution and Bylaws; and

(2) any controversy involving the opportunity of any Athlete, coach, trainer, manager, administrator, or official to participate in any amateur athletic competition or the Olympic Games, Pan American Games, World Championship competitions, or any other "protected competition" as defined under the Amateur Sports Act and the USOC Constitution and Bylaws.

Bylaw 707. LITIGATION

Section 1. No Organization Member, official, league, club, team, player, coach, administrator or referee may invoke the aid of the courts in the United States or of a State without first exhausting all available remedies within the appropriate soccer organization, and as provided within the Federation. This bylaw does not apply to the commencement of an arbitration proceeding under these bylaws or the USOC Constitution and Bylaws or the enforcement of a decision rendered in such a proceeding.

Section 2. For a violation of this bylaw, the offending party shall be subject to suspension and fines, and shall be liable to the Federation for all expenses incurred by the Federation and its officers in defending each court action, including but not limited to the following:

(1) court costs.

(2) attorney's fees.

(3) reasonable compensation for time spent by Federation officials and employees in responding to and defending against allegations in the action, including responses to discovery and court appearances.

(4) travel expenses.

(5) expenses for holding special National Council meetings necessitated by the court action.