

Colorado Referee Committee

Policy Number: 002 (Amendment 05)

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Revised: N/A



## Registrant Discipline Process

**Purpose and Scope:** This policy describes the procedure used when an individual registered with or applying for registration with the United States Soccer Federation (USSF) is subject to disciplinary action or denial of registration, and Colorado has jurisdiction over such action. The policy applies to any person required to register with the USSF, including any referee, assessor, assignor, or instructor.

**Additional Authority:** USSF Bylaws, Federation Policy 531-10, Federation Policy 531-11, Colorado Referee Committee (CRC) Policy 001, and CRC Bylaws.

**Responsible Parties:** CRC Disciplinary Matters Committee and State Referee Administrator (SRA).

### Policy Statement

When an individual (hereafter registrant) applies to register or registers with USSF as either a referee, instructor, assignor, or assessor, the registrant is subject to the bylaws, policies, procedures, and codes of ethics (where applicable) of both USSF and the CRC (hereafter the rules). The rules are designed to protect the health and safety of participants in USSF activities, and to protect the integrity of the game.

This policy addresses situations where there is probable cause to believe that a registrant has violated these rules. The purpose of this policy is to provide a mechanism for holding registrants accountable for violations of the rules, while protecting their right to due process.

### Process

#### 1. Lodging of Complaints

- a. Any person (hereafter complainant) may submit a complaint about a registrant to the CRC Committee on Disciplinary Matters (the committee) verbally, by electronic mail, or by postal mail.
- b. If a complaint is received by any member of the CRC other than the committee, that person shall forward the complaint (or a written summary of the complaint if verbal) to the committee within seven (7) days of receipt.
- c. In the event that a complaint is made verbally, the committee shall require that the complainant follow up by making a written complaint. Complaints shall not be accepted if anonymous, but the SRA may, at his or her sole discretion, perform an investigation upon receipt of an anonymous complaint to determine whether a complaint should be lodged by the SRA as described in paragraph (d) below.
- d. The SRA may, at his or her sole discretion, lodge a complaint against any registrant by transmitting a written complaint to the committee within seven (7) days of the SRA's discovery or receipt of information causing him or her to believe a rule violation has occurred.

- e. If the complainant is a minor, the SRA shall be the complainant of record and shall be treated as if he or she lodged the complaint directly pursuant to paragraph (d) above. The purpose of this provision is to protect the identity of a minor during the investigation process. In such a case, all references to the complainant shall include the fact that the complainant is a minor, and the SRA is acting as complainant.

## 2. Conflicts of Interest

- a. In the event the SRA is the registrant that is the subject of the complaint, the State Director of Referee Development (SDRD) shall act as SRA in this matter, and all references above and below to the SRA shall be applicable to the SDRD.
  - i. The SRA may be the source of the complaint without compromising his or her role as SRA, and may remain in that role under such circumstances. However, the SRA may recuse him or herself voluntarily, in which case the procedure above shall apply.
  - ii. The SRA may be removed from that role (solely in relation to a particular disciplinary matter) involuntarily by a majority vote of the CRC Board of Directors finding that the SRA has a conflict of interest sufficient to create an appearance of impropriety. The SRA's acting as complainant for a minor shall *not* be grounds in and of itself for removing the SRA from participating in that complaint.
  - iii. In the event that the SRA and SDRD are both recused, the CRC Board of Directors shall appoint by majority vote an individual to act as SRA solely for purposes of carrying out this policy on that particular case.
- b. In the event that one or more members of the committee is the registrant, the source of the complaint, such members shall be recused from the disciplinary process.
- c. If one or more members of the committee have a conflict of interest other than those listed above (such as the complainant or registrant being a family member), such members may be recused from the disciplinary process at their own discretion. Members of the committee shall promptly notify the remaining members and the SRA of any potentially material conflict of interest.
- d. A member of the committee may be removed from that role (solely in relation to a particular disciplinary matter) involuntarily by a majority vote of the remaining members of the committee and the SRA (for a total of three voters) finding that the member has a conflict of interest sufficient to create an appearance of impropriety.
- e. Any member recused pursuant to (b), (c) or (d) above shall be replaced, *pro hac vice*, by an individual or individuals selected by the CRC Board of Directors by majority vote so that the committee has three (3) members to undertake the disciplinary process, and shall serve in that role only on the particular case for which the member is recused. The board shall make these appointments blindly (meaning that the board shall not be advised of the disciplinary matter under consideration when making such an appointment) to ensure the independence of the disciplinary process.

## 3. Jurisdiction

Upon receipt of a complaint, the committee shall first determine whether the CRC has jurisdiction over the complainant and the complaint. Jurisdiction shall be determined by U.S. Soccer Policy 531-10, Section 2 (as it may be amended) which presently states:

- (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 Association or Organization Member, or a competition, tournament or other appropriate authority, the matter shall vest immediately in the State Association through which the accused game official is registered or through which the referee development program person is appointed.

If the committee determines that it does *not* have jurisdiction, it shall notify the SRA in writing within seven (7) days of its determination and the SRA shall within seven (7) days of the receipt of such a determination forward the complaint on to the appropriate authority. The SRA may consult with USSF to decide to whom the complaint should be forwarded.

#### 4. Investigation of Complaint

- a. Upon determination that the CRC has jurisdiction, and after all conflicts of interest are addressed pursuant to the procedures above, the chairperson of the committee shall perform an investigation to determine whether probable cause exists to believe that a violation of the rules has occurred.
- i. The rules shall include (but are not limited to) those issues discussed in CRC Policy 001.
  - ii. If the complaint indicates that the registrant was arrested or convicted of a felony, crime against a person, crime of violence, or crime the underlying factual basis of which involves a sex offense, the committee shall immediately notify the SRA within one (1) business day of the receipt of this information, and the SRA shall within one (1) business day of the receipt of the committee's notification suspend the registrant from all USSF activities pending the outcome of the disciplinary process. The purpose of this provision is to protect the health and safety of participants in USSF activities, which outweighs the registrant's interest in participating in USSF activities during the disciplinary process. In all such cases the SRA shall cause a report to be filed with the U.S. Center for SafeSport.
  - iii. If the chairperson concludes that there is insufficient probable cause to conclude that the complaint may have merit, he or she shall notify the remaining members of the committee and the SRA within seven (7) days of that determination and may dismiss the complaint unless he or she receives, within seven (7) days of his or her communication of the determination to the other members and the SRA, an objection by one of more of those individuals, in which case a formal investigation must be conducted.
- b. If the chairperson concludes probable cause exists (or there is an objection as discussed immediately above) a formal investigation shall be conducted.
- c. The committee shall *not* reveal the identity of the complainant during the investigation, unless the complainant consents to such in writing, or their identity is obvious from the complaint (e.g. assault or harassment) such that concealing their identity is, in the sole opinion of the committee, impracticable. However, if the complainant is the SRA (whether directly, or acting for a minor), then the committee shall include this fact in the notification to the accused so that the accused may request the removal of the SRA to the Board as discussed above.
- d. The committee shall have the authority to interview witnesses, the complainant, the accused registrant (the accused), or any other party the committee has reason to believe may have information relevant to the investigation. Such interviews shall be conducted pursuant to the following procedures:
- i. Interviews may be recorded at the discretion of the committee. Notification to or consent from the party being interviewed need not be obtained unless required by law.
  - ii. All registrants shall fully cooperate with the investigation.
  - iii. No registrant may avoid such cooperation on grounds of self-incrimination.

- iv. If the committee determines by majority vote that a registrant has not cooperated with the disciplinary process, the committee shall transmit this determination in writing to the SRA within seven (7) days of such determination. The SRA may then, at his or her sole discretion, hold the registrant in contempt and suspend him or her from all USSF activities until the registrant agrees to cooperate.
- e. The committee shall have thirty-five (35) calendar days to complete its investigation and verify (substantiate) the complaint after probable cause has been established. However, upon request by the committee, the SRA may extend this deadline at his or her sole discretion if the committee demonstrates good cause why additional time is needed. Good cause shall include (but is not limited to) delays in receiving documentation and witness statements related to the events precipitating the complaint. In no case shall an investigation fail to conclude within one (1) year of the committee's receipt of the complaint without a majority vote of the Board of Directors.
- f. After the investigation is completed, the committee shall vote whether to substantiate the complaint, or not. A majority vote of the members of the committee shall control.
  - i. If the committee does not vote to substantiate a complaint within one year of the committee's receipt of the complaint without the authorization of the Board of Directors, this shall be treated as a vote to not substantiate the complaint.
  - ii. If the committee votes to not substantiate the complaint, the complaint shall be dismissed. The committee shall notify the SRA, accused, and complainant of the dismissal in writing within seven (7) days of the vote, and shall include the reason for the dismissal therein.
  - iii. A dismissed complaint may be refiled, but the committee has sole discretion as to whether to consider a refiled complaint, and shall only do so upon the introduction of new evidence not provided or reasonably available in the original complaint.
  - iv. The committee may take disciplinary action against individuals within its jurisdiction that file (or refile) frivolous complaints by filing a complaint against such person in accordance with this policy, and may recommend disciplinary action for such individuals when not within its jurisdiction (e.g. parents, players and coaches) to the appropriate governing body (e.g. CSA).
- g. If the committee votes to substantiate the complaint, it shall notify the SRA, of the vote in writing within fourteen (14) days of the vote, and shall include the basis for the decision therein which must contain at a minimum:
  - i. The specific violations of the rules alleged and substantiated.
  - ii. A summary of the evidence used by the committee to make the determination.
  - iii. The recommended discipline, subject to the following restrictions:
    1. If the case was brought as part of the registration process, then the restrictions described in CRC Policy 001 apply.
    2. The committee may impose any discipline allowable under the rules, from a written reprimand to a lifetime ban from USSF activities. Such discipline includes, but is not limited to:
      - A letter of reprimand.
      - A fine.
      - Suspension from all active participation as a Federation-sanctioned referee for a fixed period of time.
      - Suspension from participation in all Federation activities for a fixed period of time.
      - Any combination of the above; or,
      - Expulsion from the Federation.

3. The committee shall not fail to propose discipline of at least an informal reprimand or letter of apology for a substantiated complaint.
4. No person convicted of a felony, the underlying factual basis of which involves a sex offense, shall receive discipline less than loss of registration for all USSF activities without unanimous approval of the committee, the SRA, and the CRC Board of Directors (in that order), and then only following disposition of the required referral to the U.S. Center for SafeSport.

## **5. Initial Decision**

- a. If the committee votes to substantiate the complaint, the SRA shall have fourteen (14) days from the transmission of the notification in paragraph (iv) above to concur or decline to concur with the committee's recommended discipline. The committee does not require the SRA to concur with the committee's substantiation, only the proposed discipline. The purpose of this provision is to protect the committee's independence on disciplinary matters and protect the rights of registrants.
- b. If the SRA does not concur, he or she shall recommend alternative discipline within the time period set forth above. The committee may either agree, by majority vote, to the alternative discipline, or appeal the sentence of the SRA to the CRC Board of Directors within seven (7) days of the decision being transmitted to them, on the basis of it being too harsh or too lenient. Such an appeal shall be made in writing and copied to the SRA.
  - i. The board shall not consider an appeal under this subsection (b) of its own volition, but only upon receipt of a request from the committee.
  - ii. If the board intends to consider the appeal, it shall do so within fourteen (14) days of its decision to do so.
    1. The board may by majority vote overrule the SRA. Once overruled, the original discipline proposed by the committee shall control.
    2. In the event that the board does not vote within the fourteen (14) day period, the SRA's alternative discipline shall stand.
- c. If the SRA concurs with the determination and recommended discipline, the committee shall, within fourteen (14) days of notice from the SRA to that effect, notify the accused of the committee's initial decision, which shall contain, at a minimum, the same information required to be provided to the SRA above.
- d. The accused shall have twenty-eight (28) days from the transmission of the notification in paragraph (c) above to either accept or appeal the initial decision. The accused shall then communicate his or her decision by first-class postal mail (or better) to the committee's mailing address. If the accused fails to respond to the initial decision within this time frame, the initial decision becomes final and cannot be appealed.

## **6. Appeal Hearings**

If the accused appeals within the time frame set forth above, then the matter shall proceed to a hearing within twenty-eight (28) days of receipt of the appeal.

- a. A hearing panel shall be selected to hear the case by the SRA pursuant to the procedures described below. The panel shall be made up of five members selected as follows:
  - i. No member of the panel (including the chairperson) shall be the State Referee Administrator, State Youth Referee Administrator, State Director of Instruction, State Director of Assessment, State Director of Referee Development, a USSF National or FIFA Referee, or any other member of the CRC pursuant to USSF Policy 531-10, Section 1(D).
  - ii. A panel of four (4) current U.S. Soccer registrants shall be appointed by the SRA for each hearing. If the discipline being appealed is expulsion from the Federation, a panel of six (6) registrants will be appointed instead. The members of the panel must be registrants to ensure that the accused is tried by a panel the majority of which are his or her peers.

- iii. Once selected, no person shall communicate directly with the four independent members of the hearings panel (i.e. no *ex parte* communications) except that the CRC may communicate logistical matters related to scheduling and holding the hearing. Such communication shall be in writing (including email) and shall be retained and available for review.

The SRA shall select, at his or her sole discretion (but subject to the restrictions in Paragraph (a)(i) above), an individual to serve as hearing chairperson. The chairperson shall be a registrant and must be eligible pursuant to paragraph (i) above. The chairperson shall not vote, other than as stipulated below, or in the event of a tie.

- b. The committee shall act as prosecution, and represent the CRC's interests before the panel.
- c. The accused shall be entitled to defend him or herself, and may be assisted by a representative. Use of a representative shall not shield the accused from direct questioning.
- d. The committee shall present the case against the accused first, and shall have the right to call witnesses and question them before the hearing panel in the same manner as provided for in Section 4(d) above.
  - i. The requirement that all registrants cooperate, and the disciplinary process if they do not as established in Section 4(d) above applies, as does the stipulations on representatives except:
    - 1. No member of the panel shall be questioned.
    - 2. No member of the committee (unless recused or the complainant) shall be questioned
    - 3. The SRA shall not be questioned unless recused, the complainant, or acting as the complainant.
  - ii. In the event that any registrant fails to cooperate with the committee, the chairperson may, at his or her sole discretion, halt the proceedings so that the SRA can impose discipline as established in Section 4(d) above.
  - iii. Regardless of whether the chairperson halts the proceedings, the SRA may impose discipline as established in Section 4(d)(iv) above, *except* that the SRA shall *not* impose discipline against the accused for failing to cooperate unless the chairperson halts the proceedings specifically for the accused's failure to cooperate.
  - iv. A minor may not be directly questioned without the consent of a parent or guardian, but may be questioned through his or her representative regardless.

The committee may also present any other evidence it believes is relevant to the proceedings. There are no rules of evidence, and hearsay evidence is admissible for the truth of the matter asserted.

- e. The accused may present his or her defense after the committee has presented the CRC's case, and has the same rights as the committee to present evidence and question witnesses.
- f. After the accused has completed his or her defense, the committee may present rebuttal at its discretion.
- g. The chairperson may cut off the proceedings in paragraphs (d), (e) or (f) if, in the opinion of the panel (by majority vote) any party is abusing the process, unreasonably wasting time, or directing undue aggression or disrespect at any other party to the hearing. In such a case, proceedings continue to the next step in the process.
- h. Any member of the panel, including the chairperson, may ask questions of any participant in the hearing, including the committee, the complainant (subject to the special rules for minors), and the accused at any time by so requesting of the chairperson. The chairperson may rule a question out of order, but may be overruled in this decision by a majority vote of the uninvolved panel members (not including the chairperson and the questioner). All participants properly questioned are obligated to answer a question from the panel.

- i. After all parties have presented their cases and all questions from the panel have been asked and answered, the chairperson shall dismiss all persons other than the hearing panel members while the panel deliberates.
- j. The panel shall vote guilty or not guilty, and a majority vote shall control. Each member except the chairperson shall vote. In the event of a tie, the chairperson shall break the tie.
- k. The panel shall find the defendant guilty on each charge if the committee shows, by the preponderance of the evidence, that:
  - i. The CRC has jurisdiction over the accused and the complainant.
  - ii. The CRC properly followed the procedures in this policy in bringing the charge.
  - iii. The accused violated the rule(s) as charged.

Otherwise, the panel shall find the accused not guilty of the charge. The panel shall then vote on the same terms as above, on what discipline to impose. A majority vote shall control except that a vote to expel from the Federation must be unanimous by the six regular voting members of the panel. If a majority of the panel members (with the chairperson breaking any ties) vote to expel from the Federation, but the vote is not unanimous amongst the six regular voting members, then the panel may vote to impose alternative discipline by majority vote.

- l. This process and the procedures in paragraphs (m) through (o) below shall be completed within seven (7) days of the hearing to comply with USSF Policy 531-10, Section 1(E).
- m. The chairperson shall call the accused, the committee, and any other interested persons back before the panel to announce the verdict. In the event that this occurs on different day than the hearing, the chairperson alone is sufficient to read the verdict, although any other member of the panel may attend at their sole discretion.
- n. A not guilty verdict results in the clearing of the accused of the allegations in the complaint, and those allegations shall not be filed against the accused again except for any of the following circumstances:
  - i. The accused is found guilty in a court of law *after* the hearing, for one or more of the same acts that gave rise to the complaint.
  - ii. The accused agrees in writing to retry the complaint.
  - iii. The accused withheld (either deliberately or negligently) potentially derogatory evidence during the investigation and hearings processes.

If *any* of these exceptions applies, the process starts over from the beginning.

Nothing above shall be interpreted to prohibit the discussion of prior complaints in any future complaint against the same registrant, provided that the fact that the registrant was found not guilty is stated clearly and unequivocally during such discussion.

- o. Regardless of the verdict, the chairperson shall transmit within seven (7) days of the hearing a written statement of the verdict, and the reasons for it to the SRA, the committee, and the accused. The chairperson shall include in the written statement a copy of this policy, which includes the appeals procedures for both parties. In the event the verdict is not unanimous, the dissenting panel member(s) may also submit one or more written statements of the reasons they did not agree with the majority, subject to the same time limitation.

## **7. Further Appeals**

- a. The outcome of the process above shall be final as to the CRC.
- b. No party may make any appeals other than those authorized herein or otherwise provided for by USSF policy.

- c. The convicted may appeal the original verdict and sentence, and the outcome of the appeals process outlined above if applicable to the USSF Appeals Committee as provided under USSF Bylaw 705.

## **8. Judicial Review**

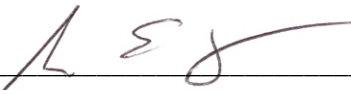
- a. No member of U.S. Soccer, the Colorado Soccer Association (CSA), official, league, club, team, player, coach, administrator, or registrant may invoke the aid of the courts without first exhausting all available remedies within the CSA, the CRC, and its member organizations.
- b. For violation of this provision, the offending party shall be subject to suspension and fines, and shall be liable to the CSA and/or the CRC for all expenses incurred by the same and its officers in defending each court action, including, but not limited to, reasonable attorney fees.

## **9. Independence and Privacy**

- a. It is the policy of the CRC that the disciplinary process be independent and free from influence both within and outside the CRC as required by U.S. Soccer policies and procedures, and principles of due process - and also that the privacy of registrants and complainants be protected from unreasonable disclosure.
- b. Therefore, the committee, SRA, and SDRD shall not disclose information regarding a specific disciplinary proceeding outside of the committee, SRA, and SDRD to any other person or entity (including the CRC Board of Directors) unless specifically authorized by this policy.
- c. Permissible disclosures include, but are not limited to:
  - i. Disclosures in the ordinary course of a disciplinary investigation.
  - ii. Disclosures in the ordinary course of a disciplinary hearing.
  - iii. Disclosures to the public after the issuance of a final disciplinary decision (including any appeals within the scope of this policy), at the discretion of the committee's chair.
- d. The committee shall provide general information regarding the disciplinary process to the CRC Board of Directors upon request consistent with the board's oversight duties; however, in no case shall this information include details of individual disciplinary proceedings beyond that provided to the public, unless specifically authorized by this policy and necessary to carry out the board's responsibilities under the same. The purpose of this provision is to protect the independence of the disciplinary process from the appearance of undue influence by the board.
- e. Ex Parte Communications
  - i. Ex parte communications by registrants, complainants, or witnesses in ongoing disciplinary proceedings with any person or entity outside of the proceedings damage the independence of the disciplinary process and create an appearance of impropriety and undue influence in the disciplinary process.
  - ii. Therefore, no party to a disciplinary proceeding (including registrants, complainants, and witnesses - but excluding the committee, SRA and SDRD) shall communicate any information about such proceedings to any other person without the written authorization of the committee, except that any party may communicate with his or her legal counsel without such authorization being necessary
  - iii. Any person, other than legal counsel for a party, who receives an unauthorized communication (meaning a communication not accompanied by a written authorization from the committee) shall report such unauthorized communication to the committee within one (1) business day of its receipt.
  - iv. Registrants may be disciplined for failing to comply with these provisions



Approved by:



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Neal E. Fausset  
State Referee Administrator

7/15/2022

Date