

DEARBORN SOCCER CLUB OVERSIGHT COMMITTEE

GUIDELINES

It is the intention of the Dearborn Soccer Club to conduct its activities in a safe, wholesome and ethical environment. The Oversight Committee is responsible for resolving, in accordance with these guidelines, any matters involving its Members that are allegedly contrary to such an environment.

I. DEFINITIONS

For purposes of these guidelines, the following definitions apply:

Board means the Board of Directors of the Dearborn Soccer Club.

Chairman means the Chairman of the Oversight Committee of the Dearborn Soccer Club.

Club or **DSC** means the Dearborn Soccer Club.

Committee or **Oversight Committee** means the Oversight Committee of the Dearborn Soccer Club.

Member (or **Members**) means any participant in Dearborn Soccer Club activities as a player, coach, manager, club official, league official, referee, parent or spectator.

MSYSA means the Michigan State Youth Soccer Association of which the Dearborn Soccer Club is a member organization. Under the by-laws of the MSYSA, all Members of a member organization are subject to the jurisdiction of the MSYSA.

Referee means any registered USSF referee, assistant referees, and others appointed to assist in officiating a match or any non-licensed, non-registered person servicing in an emergency capacity as a referee.

II. RESPONSIBILITY FOR ADMINISTERING DISCIPLINE

Under the by-laws of the MSYSA, each member organization shall be responsible for governing those persons associated within its operation and shall establish guidelines to that effect. Misconduct toward a Referee or by

a Referee, however, must be reported directly to the MSYSA State Referee Committee.

MSYSA State Referee Committee. Responsibility for any matter alleging Referee abuse or Referee assault by a Member or misconduct by a Referee vests immediately in the MSYSA State Referee Committee. The Referee and/or the member organization must notify the MSYSA State Referee Committee of such allegations or misconduct in accordance with the procedures of the MSYSA State Referee Committee.

DSC Oversight Committee. In the Club, the responsibility for ensuring prompt and equitable discipline with appropriate follow-up consistent with its established guidelines rests with the Oversight Committee. All such matters alleging a breach of the standard of conduct required of Members is to be referred to the Committee for resolution. The Club must immediately notify the MSYSA State Referee Committee of matters alleging Referee abuse or Referee assault by a Member or misconduct by a Referee.

The Chairman of the Oversight Committee is appointed in accordance with Club by-laws. The Chairman is to appoint members to the Committee in addition to the Chairman. All action of the Committee is to be by quorum consisting of at least 50% of the members of the Committee.

III. BASIS FOR DISCIPLINE

Standard of Conduct. Members must comply with all standards of conduct that persons exercising reasonable judgment would know are expected of them as well as any standards that the Club has expressly established. These obligations are either self-evident by their very nature or have been conveyed by notice or warning. The fact that some rules are published as Club policy or otherwise posted and made public does not in and of itself limit the requirement of inherent good conduct. The mere absence of a published rule does not mean that the responsibility fails to exist and the lack of publication does not preclude disciplinary action.

The breach of a standard of conduct must have a reasonable adverse effect on the Club, the conduct of its business or on a Member or Members. The misconduct need not occur at a home game to be the proper subject of discipline for the Committee. The breach of conduct may occur on or off the playing field and at any time. For example, a Member causing damage to a Referee's car at the Referee's home the day after a game is an instance where discipline is appropriate for conduct away from the field outside of game hours. Misconduct may also occur before, during or after away games and tournaments.

Performance Deficiency. Performance deficiency is to be distinguished from misconduct. Performance deficiency that does not contain elements of misconduct is not the responsibility of the Oversight Committee or the subject of discipline. Complaints or indications of deficient performance are to be referred to the DSC Board, the DSC head coach or the DSC head referee as appropriate for handling and resolution.

Intentional Act. An intentional act must be distinguished from an accidental act when determining misconduct. To be considered misconduct, the breach of conduct must be the result of an intentional act, which is an act intended to bring about a result, not an accidental action. Unintended results of intentional acts, however, can give rise to misconduct. For example, while walking toward a referee, a coach does not see a water bottle and accidentally kicks it at the referee. As the striking of the referee is the result of an accidental action, no misconduct arises. A coach may, however, in a fit of anger intentionally kick a water bottle, not intending to strike anyone. If the water bottle, in fact, strikes the referee, the intentional act of kicking the bottle supports a finding of 'assault of a game official.' The fact that striking a referee is an unintended result is irrelevant.

IV. THE DISCIPLINARY PROCEDURE

Steps in Disciplinary Action. Every instance that may involve disciplinary action has a logical sequence of steps from initial indication of possible misconduct to assessment of a disciplinary penalty, if appropriate. Generally, each case of alleged misconduct will require most, or all, of the following steps:

- Step 1. Initial indication of possible misconduct by Member.
- Step 2. Preliminary investigation or inquiry by Committee.
- Step 3. Decision whether or not to temporarily suspend Member during the investigation.
- Step 4. Formulation of a charge against Member.
- Step 5. Informing Member of charge and pending action.
- Step 6. Detailed investigation and determination of sufficiency of facts by Committee.
- Step 7. A meeting in which the Member appears before the Committee.

Step 8. Decision by Committee on appropriate disciplinary penalty, if any, after consideration of all relevant factors.

Step 9. Concurrence of Board required for certain penalties as specified within this section.

Step 10. Administration of the penalty and notification to appropriate agencies.

Step 11. Proper records administration of the disciplinary action taken.

Steps 1. and 2. Initial Indication of Misconduct and Preliminary Investigation. Complaints or evidence of misconduct can come from several sources: Members, Committee or Board observations, altered Club documents, auditor reports to name a few. All allegations from all sources are to be forwarded to the Oversight Committee to resolve in accordance with these guidelines.

On receipt of the complaint, the Committee must make an initial determination that the allegations involve misconduct as opposed to performance deficiency or referee discretion, for example. Many cases will involve events that are clear cut and all the facts can be developed from established incidents or documents that make the circumstances self-evident and irrefutable. On these the Committee can quickly move to Step 3 and make the determination of whether temporary suspension is necessary. Other cases will require more in depth investigation. In this step, the Committee is to investigate to the extent required to make an initial determination that the allegations involve misconduct.

Step 3. Suspension. There are instances when an investigation will require some time, and by the very nature of the charge, it may be desirable that the charged Member not be involved in Club activities during that period. For instance, in a case of alleged embezzlement, the Member would immediately be suspended from any Club activity involving the approval or handling of funds. In the case of alleged improper contact with a minor, the Member would be immediately suspended from any Club activity involving minors. In those cases, the charged Member is to be suspended from Club activities until the conclusion of the investigation and review. When a Member is suspended from Club activities in this manner, it should be made clear to the Member that the suspension is not a form of disciplinary action.

A member is to be suspended at any step of the disciplinary procedure at which it is determined by the Committee that such suspension is in the best interest of the Club or its Members.

Step 4 and 5. Determination of a Charge and Informing Member of Charge. The charge is a concise statement, phrase, or word describing the nature of the misconduct for which the Member is accused. The charge should be brief, specific and supported by the facts and documentation.

Multiple charges most often confuse a case rather than strengthen it and may dilute the credibility of the individual sustainable charge. In those cases, however, of misconduct where the facts are such that there are severable and distinct charges, then each should be identified and treated as a separate issue. Separate penalties should be determined for each provable charge and so stated in the documentation.

Although not all-inclusive, the following are examples of charges of misconduct:

- Abuse of authority
- Abusive language
- Assault
- Breach of trust or fiduciary relationship
- Conviction of a crime impairing ability to function for the Club
- Embezzlement
- Ethnic Intimidation - any act or verbalization motivated by hatred toward the actual or perceived race, color, religion, national origin, or ancestry of another individual or group of individuals.
- Falsification of Club documents or records, including but not limited to registrations, birth records, rosters, game reports, expense reimbursement forms.
- Fraud
- Harassment, Sexual, Physical or Verbal
- Immoral, lewd or indecent conduct
- Improper conduct impairing ability to function for the Club
- Negligence or carelessness resulting in injury or destruction or damage to Club property
- Referee Abuse – 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. Abuse includes, but is not limited to, using foul or abusive language towards of referee, spewing any beverage on a referee’s personal property (but not on the referee or on an item on the referee’s body or in the referee’s hand), spitting at (but not on) the referee or verbally threatening the referee with remarks that carry the implied or direct threat of physical harm, such as “I’ll get you after the game.”
- Referee Assault– intentional act of physical violence on a referee or on clothing or property on the referee’s person. Assault includes, but is not limited to, hitting, kicking, punching, choking, spitting on, grabbing, running into, head butting, kicking or throwing an object at a referee.

Referee assault also includes committing these acts on the referee's uniform or an object on the referee's person such as a referee's red card, eyeglasses or a soccer ball in the referee's hands or the referee's property, such as the referee's automobile or referee bag.

- Substance Abuse
- Alcoholic consumption, possession or under the influence of intoxicants or drugs
- Sale, distribution or trafficking in intoxicants or drugs
- Theft or conversion to own use of Club property or personal property of a Member
- By knowingly (or should have known) accepting, receiving, buying or selling stolen or misappropriated Club property.
- Threat
- Unsafe conduct or "horseplay"
- Violation of Club policies
- Willful destruction of, or damage to, Club property

Once the charge is formulated, the Member is to be informed of the charge, the procedure the Committee will be following to resolve the allegations, and the possible consequences if the charges are found to be true. In cases where outside referral to authorities is a possible outcome, the Member is to be informed that the matter may be so referred.

Unnecessary disclosure of the matter is to be avoided. Charges made against Members are to be communicated to those persons within the Club who have a legitimate need-to-know interest in the matter.

Step 6. Investigation and Development of Evidence. Evidence convincing to the Oversight Committee is a prerequisite to any disciplinary action. Once the initial indication of possible misconduct has come to light and a charge formulated, a careful and complete investigation and appraisal of all circumstances must be made, utilizing all appropriate resources such as written documentation, Committee notes, statements by witnesses, police reports, Club documents, etc.

An important element in the fact-finding process is the detailed recording of what occurred and the other matters relevant to the alleged violation of a standard of conduct. Statements by witnesses should be reduced to writing, signed and witnessed as soon after the event or discovery of wrong doing as possible. Not only does the preparation of statements described above provide a complete compilation of facts but also provides the documentation that may be necessary to substantiate the action in subsequent reviews or challenges.

Step 7. Interview of Member. Normally, once sufficient evidence is present to suggest reasonable grounds for disciplinary action, the Member

involved is to be interviewed and informed of the evidence. The purpose of this interview or meeting is to permit the Member to offer defenses, new evidence, an explanation or other matters that could be relevant in assessing the total circumstances before determining the disciplinary action to be taken, if any. The Oversight Committee, in its discretion, may bring witnesses to the meeting. Great care shall be taken in bringing any witness under 18 years of age to be questioned. The Member may ask questions of the Oversight Committee and of witnesses. The Member normally is to be asked to make a statement, preferably in writing and witnessed. As part of the earlier preliminary investigative process, the Member may have already made a signed statement. The Member's excuse or "new evidence" is to be investigated if necessary and given the weight it deserves. A decision on the penalty, if any, should not be made without consideration of the Member's comments as part of the total circumstance. The hearing must be in front of at least three members of the Oversight Committee.

Step 8. Disciplinary Penalties. Fairness to the charged Member requires that the alleged misconduct be sufficiently established, and disciplinary action is not to result until the facts sustain the propriety of the action to be taken. If there is no evidence, then there is no misconduct. No disciplinary action is to be taken, and, if the Member is on temporary suspension, the suspension is to be lifted.

There is no template or formula for measuring the degree of penalty since each case has its distinguishing characteristics. Fairness, consistency, and common sense control in dictating the prescribed penalties.

The most significant consideration in determining the penalty is obviously the nature of the offense. Secondary factors that may be relevant could be the Member's prior disciplinary experience, attitude, remorse, helpfulness in the investigation, offer to make restitution or other similar mitigating factors. There may be minimum penalties imposed by the MSYSA for certain offenses, and though the Committee may impose more severe penalties, it cannot impose lesser.

Disciplinary action by the Club may also result in prosecution under the law (e.g., theft). The disciplinary action and the prosecution are independent, and the Member must serve the consequences of both.

Types of Discipline Penalties. Disciplinary penalties imposed a Member will be limited to the following:

- Oral reprimand – An oral warning is to be given to a Member for a proven incident of minor misconduct. The Member will be asked to sign an agreement to refrain from the problematic behavior and to abide by the policies of the Club. The specifics of the oral reprimand are to be

documented and retained along with the agreement and any back up investigatory materials in a disciplinary file.

- Written reprimand – A written warning is to be given where the offense is of a more serious nature. The written reprimand will contain a statement of the charge, basic facts concerning the charge and a warning that similar or other breeches of the standards of conduct will result in future disciplinary action. The written warning will also include an agreement by the Member to refrain from the problematic behavior and to abide by the policies of the Club. The written reprimand and is to be reviewed, signed by the Member and retained in a disciplinary file along with any back up investigatory materials.
- Expulsion from DSC activities – Expulsion from DSC activities is to be given for more serious infractions, misconduct occurring following an oral or written reprimand and warning where the warning has not been heeded, or in the case where the Member refuses to sign the agreement to refrain from problematic behavior and abide by the policies of the Club. This penalty requires concurrence of the Board. In the discretion of the Oversight Committee, expulsion may be extended to the entire family of the disciplined Member if such an outcome is in the best interests of the Club.

A written memorandum similar to the written reprimand described above will be prepared, reviewed with the Member and retained in a disciplinary file along with any back up investigatory materials.

- Removal from DSC position – A Member is to be removed from his or her DSC position in those instances where the Member's breach of conduct is indicative that he or she is no longer capable of the trust, proper judgment, or expected conduct required for the present position. Removal is appropriate when the nature of the charge reflects adversely on the Member's continued effectiveness for doing his or her particular position, but whose conduct and attitude indicate that the Member could continue to participate in Club activities or on a different position. The Member must sign an agreement to refrain from the problematic behavior and abide by the policies of the Club to continue to participate in Club activities. This penalty requires concurrence of the Board.

A written memorandum similar to the written reprimand described above will be prepared, reviewed with the Member and retained in a disciplinary file along with any back up investigatory materials.

- Combination of the Above Penalties

Even when the facts show that no penalty is in order, a record must be retained in a file along with back up investigatory materials. When there is cause for a penalty, it should be carried out as soon as practicable after the infraction is proven to the satisfaction of the Oversight Committee.

Minimum penalties. A member organization of the MSYSA may impose more stringent penalties, which will prevail, but in no event may penalties be less than those required by the MSYSA. Minimum penalties in matters concerning referees are considered separately below.

▪ Penalties to Players

- Fighting – A player guilty of fighting before, during or after a game is to receive a two-game suspension; in Great Lakes Soccer League, penalty for U-15 and above is expulsion for season.
- Profanity – A player guilty of profanity, either by word or sign, against a Member shall receive a minimum two-game suspension.
- Threats – A player guilty of making threatening gestures or verbal threats against a Member or opposing team member or official shall receive a minimum two-game suspension. Verbal threats are remarks that carry the implied or direct threat of physical harm. A threat is against a referee constitutes referee abuse and is handled as such in accordance with MSYSA State Referee Committee procedures.
- Assault – A player assaulting a Member or opposing team member or official is to receive a minimum one-year suspension. An assault on a referee is handled as such in accordance with MSYSA State Referee Committee procedures.

- Penalties to Coaches and other Team Officials – A coach or other team official, including a team trainer, who makes a threatening gesture or uses threatening language to any Member or opposing team member or official is to receive a minimum two-game suspension for a first offense. In the case of subsequent offenses, the coach or team official is not to participate until he or she appears before the MSYSA board of directors and completes the penalty imposed by that body.

Minimum penalties may run concurrently with penalties imposed by the MSYSA, such as game expulsions associated with the yellow and red cards listed given by a Referee before, during or after a game and listed on the game sheet.

In addition, Member teams may play in various leagues that impose greater minimum penalties or greater penalties for second offenses than does the MSYSA. The Oversight Committee may impose more stringent penalties but in no event may penalties be less than those required by the league.

Minimum Penalties in Matters Involving Referees. The Club may not impose a penalty less than the minimum penalties imposed by the MSYSA State Referee Committee, but if circumstances warrant it, the Club may provide greater penalties. For a coach, player or other team official, the following apply:

- Referee Abuse – Minimum suspension of three games
- Referee Assault – Automatic suspension on allegation. Expulsion as follows for verified assault:
 - For minor touching of referee, referee uniform, object on or held by referee, or referee's personal property, at least 3 months from the time of the assault.
 - For any other assault, at least 6 months from the time of the assault.
 - For an assault committed by an adult on a referee under the age of 18, at least 3 years from the time of the assault.
 - For an assault when serious injuries are inflicted, at least 5 years.

Any matter concerning a spectator or any other individual who may be reasonably construed to be associated with a team, such as a relative or supporter, who abuses or assaults a referee is to be immediately reported to the MSYSA State Referee Committee. Such conduct is deemed loss of control by the coach and team officials. The MSYSA State Referee Committee has the authority to impose suspension, forfeit(s), cash bond from the team and/or a dismantling of the team associated with such spectator.

Step 9. Board Concurrence Requirements. The Board is required to review and concur with the actions of the Oversight Committee in the following instances:

- Concurrence required for certain penalties. The Oversight Committee's decision to expel a Member for any period of time over and above automatic minimum expulsions due to red and yellow cards given by Referees or to remove a Member for his or her position must be put before the Board for review. No penalty will be imposed in these cases until the Board review is complete and the Board has communicated its approval, disapproval, or modification of the Committee's recommended action.
- Concurrence required for certain types of misconduct. Cases involving the following types of misconduct must be reviewed by the Board before the imposition of any disciplinary action by the Oversight Committee:
 - Assault
 - Breach of trust or fiduciary relationship
 - Conviction of a crime impairing ability to function for the Club

- Embezzlement
- Ethnic Intimidation
- Harassment, Sexual, Physical or Verbal
- Immoral, lewd or indecent conduct
- Improper conduct impairing ability to function for the Club
- Substance Abuse
- Consumption of alcohol, possession or under the influence of intoxicants or drugs
- Sale, distribution or trafficking in intoxicants or drugs
- Threat

Even in cases where no disciplinary penalty is recommended, the circumstances, evidence, records and other relevant data pertaining Member misconduct of the type covered by this section will be reviewed by the Board. No penalty will be imposed or no case dismissed until the Board review is complete, and the Board has communicated its approval, disapproval, or modification of the Oversight Committee's recommended action.

Step 10. Administration of Penalty. The Member is to be informed of the findings of the Oversight Committee, the penalty imposed and presented with the required documents for signature.

Any Member who refuses to sign the agreement to refrain from problematic behavior and to abide by the policies of the Club that is imposed as part of the penalty by the Committee will be expelled until such time as he or she agrees to sign.

If any outside agency is involved in the investigation and resolution of the case, the agency is to be notified of the Club's findings and subsequent actions.

Step 11. Records Administration. For every allegation, a disciplinary file must be maintained by the Oversight Committee. It must contain all written statements, all notes made by investigators, memoranda regarding oral reprimands, written reprimands, memoranda regarding all other penalties, any review and concurrence of the Board, and any other documentation or evidence relating to the matter.

The disciplinary file must be maintained at a minimum for the period of time in which the involved parties are Members of the Club or three years, whichever is longer. When the file is no longer required to be maintained, the file is to be confidentially destroyed.

VI. OUTSIDE AGENCIES

Some forms of misconduct must be referred to outside agencies. The Club maintains the right to refer such matters as it deems advisable.

State Referee Committee. Responsibility for any matter alleging Referee abuse or assault by a Member or misconduct by a Referee vests immediately in the MSYSA State Referee Committee. The Referee and/or the member organization must notify the MSYSA State Referee Committee of such allegations or misconduct in accordance with the procedures of the MSYSA State Referee Committee.

Local Law Enforcement Officials. Incidents involving police matters, such as, but not limited to, violence, sexual misconduct, ethnic intimidation, theft, destruction of property, drugs and alcohol may be referred to local law enforcement officials at the discretion of the Club.

VII. APPEAL

Decisions made by the Oversight Committee may be appealed to the MSYSA discipline and appeals committee in accordance with the procedures established by MSYSA. The decisions made by the Oversight Committee shall stand and be in full force and effect until changed by a higher authority.