

# DISPUTE RESOLUTION

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## 1. General Policy

- a) It is the policy of Munay to resolve all disputes involving persons involved in the MSA in an amicable way, if possible. Compromise should be emphasized whenever possible, and personality conflicts should be avoided.
- b) If disciplinary action is found to be necessary, it is MSA's policy to take only the minimum action necessary. All means available should be taken to avoid legal action.
- c) It is the policy of Munay to avoid punishing the players for the conduct of the parents except when there is no other solution (e.g., where a parent cannot or will not cease his or her disruptive behavior).
- d) It is the policy of MSA to avoid wiping out years of good memories of Munay and good service to Munay, and that suspension or removal procedures are to be used only as a last resort. Voluntary resignation is preferable to a suspension or removal procedure.
- e) It is the policy of Munay to avoid publicizing the results of suspension or removal proceedings beyond those persons who need to know these results and to respect the privacy of the individuals involved. However, the Munay Head Coach or designee should notify the members of the Munay board and It's Legal Commission of any pending proceedings pursuant to the operating regulations, and must comply with all applicable regulations and laws requiring suspension for abuse and similar events.

## 2. General Due Process Procedures

- (a) Disputes involving day-to-day activities of the MSA should first be addressed and resolved, if possible, by the appropriate Head Coach in charge of the activity and/or then by the Munay Board of Directors, if necessary. For example, disputes arising out of game conduct should first be addressed and resolved, if possible, by the Head Coach or a disinterested disciplinary review panel appointed by the Board of Directors if necessary.
- (b) If it is determined that a Participating Member or Playing Member of Munay (including the parent, guardian or other family member of a Playing Member) needs to be disciplined, or that his or her participation in Munay should be limited or terminated, by way of suspension or removal, then the Head Coach or designee **shall** give notice to such person of such action or proposed action, initially by telephone, FAX, in writing via email or in person.
- (c) Notice should always be followed by a written confirmation of the initial communication, delivered via a method which provides proof of mailing and/or delivery,

not necessarily proof of receipt or signature by the non-executive member. The U.S. Postal Service "Delivery Confirmation Receipt", any Overnight/Next-Day delivery confirmation, or "In-Person" delivery by at least two volunteers will suffice.

The written confirmation shall specify the action to be taken and the reasons therefore. Such notice shall further notify such person that he or she, upon request, will be given a reasonable opportunity to explain why such action should not be taken. Such opportunity to respond may be in person, by telephone or in writing.

(d) The Head Coach **may** decide to conduct the review alone. If the Head Coach was a witness to the incident or is otherwise involved in the matter, a neutral designee should be appointed to conduct the review. After such opportunity to respond has been given, the Munay Board of Directors shall make a final determination and announce it in writing to the persons concerned.

(e) Alternatively, the Munay Board may choose to appoint a disinterested panel of neutral persons to review the matter. If a disciplinary review panel is appointed, the person appointed to chair that panel shall provide a written recommendation to the Munay Board based upon a review of the information presented to the panel, after which the Munay Board shall make a final determination and announce it in writing to the persons concerned.

### **3. Immediate Suspension**

(a) If the gravity of the incident or preliminary information collected about the matter presents imminent danger to participants or the program, the Munay Board may immediately suspend the person(s) involved.

(b) In such a case of immediate suspension, notice must be provided to the person(s) being suspended and a disciplinary review provided, if requested, according to the procedures described in Paragraph Two of this Article above. However, a suspension may be imposed before a disciplinary review is conducted. A suspension is considered to be temporary in nature, and any such suspension may be removed or set aside by the Munay Board should the entire facts remove the original cause for concern.

### **4. Removal**

(a) The Munay Board & Head Coach may remove a Participating Member or Playing Member of the academy (including the parent, guardian or other family member of a Playing Member) (whether or not suspended) from further involvement in the program.

(b) Such removal may only be made upon prior notice and, if requested, after a disciplinary review proceeding described in Paragraph Two of this Article above has been conducted.

(c) Such removal is only permitted when there is found to be (i) a violation of the FIFA rules or of the rules, regulations, policies or philosophies of MUNAY or (ii) conduct which disrupts Munay's activities or programs.

## **5. Removal / Release**

Once registered to a team, a player cannot be dropped or otherwise removed from the roster by that team during the seasonal year (September 1 – August 31), unless the player moves beyond a reasonable travel distance, misbehaves in a manner detrimental to the team or otherwise violates rules of the Munay Soccer Academy, The WYS League, ENYSA or USYSA, has a parent who misbehaves in a manner detrimental to the team, has a season ending injury or owes money to the player's club, or unless permission in writing is granted by a parent or guardian of the player. If a player is removed from a team in accordance with this paragraph, or if the player resigns from a team, the dropped player's pass must be returned to the League office by the club registrar and the player must be removed from the on-line roster.

## **6. Disciplinary Review Procedures**

- (a) Disciplinary review proceedings under these guidelines are intended to provide due process to the person whose conduct is the subject of the review proceeding.
- (b) If a disciplinary review panel is appointed, it should be comprised of an odd number so as to avoid ties during deliberations.
- (c) Any disciplinary review proceeding shall be held at a neutral location.
- (d) The procedures shall be communicated to all parties prior to the commencement of such a review proceeding.
- (e) All interested parties are to be informed of the date, time, and location of the proceeding.
- (f) The person whose conduct will be subject to review at that proceeding is responsible for notifying any individuals who that person may want to speak at that proceeding.
- (g) If a disciplinary review panel is convened, neither the Munay Head Coach nor a person who has a direct interest in the outcome of the matter shall participate as a decision maker in any stage of the review proceeding.
- (h) A person has a direct interest in the outcome of the matter if that person's conduct is in any way called into question by the events, or if that person is a witness to the events, has a familial relationship with any person involved in the matter, has a financial interest in the outcome, or whose judgment, for any reason, cannot be unbiased and neutral.
- (i) The review shall be conducted as quickly and as fairly as possible, but the proceedings may be structured as circumstances may require keeping them as positive as possible.

(a) The person(s) conducting the review may ask such questions and request such documents or other items as may be necessary to obtain all pertinent facts, but should refrain from being overbearing with such examinations and requests.

(b) It is strongly recommended that players and other minors not be asked to participate as witnesses or to offer "testimonials" either in person or in writing unless it is absolutely necessary in order to determine any pertinent fact of the matter.

(c) The proceedings should be kept as confidential as may be necessary to protect all parties. The person(s) conducting the review shall listen to the facts of the situation from all interested parties. There is no right to make a record or recording of the live proceedings in any form (written, electronic, audio or visual). Any request by a party to use a court stenographer, or a mechanical or electronic device to record the proceedings should be denied.

(d) Each "side" should make their presentations to the person(s) conducting the review outside the presence of the other to prevent undue acrimony or harm to the participants.

(e) Parties do not have the right to involve attorneys or to cross-examine other parties or witnesses. Assistance of attorneys or any other persons whose help may be sought by an interested person may be permitted to help present facts within the discretion of the person(s) conducting the disciplinary review if it is believed that such participation will be helpful and positive.

(f) Interested persons may request that the person(s) conducting the disciplinary review obtain information from or ask questions of others who are providing information if there is a good faith belief that the requested information will reveal facts pertinent to the issues under review.

(g) At the conclusion of the disciplinary review proceeding, the person(s) conducting the review shall deliberate in private to determine the recommendation. Under no circumstances shall any such deliberation take place in the presence of the parties involved in the dispute.

(1) The person(s) conducting the disciplinary review will then decide the issues raised pursuant to MUNAY operating regulations and these Munay Guidelines based on the information submitted, and determine the appropriate action to be taken.

(2) In the event the review proceedings are conducted by a neutral appointee of the Munay Board or by a neutral disciplinary review panel, the deliberations should result in a recommendation of action which is presented to the Munay Board. In the case of a disciplinary review panel, the recommendation is determined by a majority vote.

(3) Such recommendation may include that no action should be taken against the individual accused, or that a warning or caution be given, that a written reprimand be given, that further education or probation be required, or that such person should be suspended or removed from involvement in Munay activities.

(4) In all cases, the Munay Board makes the final determination of the action to be taken in the matter. If provided a recommendation from a neutral appointee or a

neutral disciplinary review panel, the Munay Board should not dismiss the recommendation(s) without careful consideration.

(h) Where the final determination results in removal or where otherwise determined appropriate, the individual in question should be given an opportunity to resign voluntarily (except in instances involving alleged acts of physical violence or alleged improper sexual behavior). All persons whose conduct was at issue in the matter shall promptly be notified of such resignation or, in the absence of a resignation, of the disciplinary action taken. Such notice shall include notice of a right to appeal the decision to the next highest Executive Member within a reasonable period of time.

## **7. Appeal**

(a) If the party is dissatisfied with the decision or action taken by the Munay Board , he/she may request a review of such decision by the Munay board, to the Munay Board.

(b) The basis of any such appeal must be that the original determination was arbitrary and capricious, or that the procedure was not fair, including that the person or persons making such determination are found not to have been disinterested, or that the procedures described in these guidelines were not followed.

(c) There shall only be one appeal of each matter

(d) Any determination made in accordance with this Article shall be final and binding on all concerned.