

## **<sup>1</sup>NDSA Policies and Procedures Manual**

### North Dakota Soccer Association Policies Manual

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## **North Dakota Soccer Association Required Votes to Adopt Policies**

### **Introduction**

The board of directors of the North Dakota Soccer Association has the ability to adopt rules, regulations, policies and procedures governing soccer within the state of North Dakota. The board has the authority to amend such rules, regulations, policies and procedures from time to time as it deems necessary.

### **Definitions**

The following definitions will apply to this policy:

1. "NDSA" means the North Dakota Soccer Association.
2. "Board" means the board of directors of NDSA.
3. "Policy" means a policy, rule, regulation or procedure
4. "Board Meeting" means in person or by electronic means

### **General Policy**

A recommendation for a new or revised policy or procedure may be submitted to the board for discussion and approval. Any new or revised policy must survive two separate votes to be adopted by the association.

1. A policy may be introduced at a board meeting per the requirements of the NDSA bylaws. Changes can be made to the draft of this policy at this meeting. If a vote is taken and the policy passes, it will then be brought back to the board at the next scheduled meeting, or at the next possible meeting. A minimum of 30 days must pass before a second vote is taken.
2. Fifteen (15) days prior to the meeting for the second vote, the subject policy will be distributed to the current members of the board of directors
3. At the second board meeting, discussion may be held, and a vote will be taken. If the policy passes a second vote, it will be adopted by the board as a written policy of the NDSA. A minimum of 30 calendar days must pass before the second vote is taken.

In the event an action is necessary for the good of the organization to enact immediately, a temporary policy with an ending date of not more than 180 days may be passed.

## **North Dakota Soccer Association Player and Team Registration Policy**

A soccer team roster is in effect for one soccer year only. A soccer year is defined as August 1 - July 31. At the conclusion of each soccer year, all rosters become null & void & new rosters must be assembled in accordance with the following NDSA rules.

### **I. Definition of Teams:**

Recreational A and B and Academy teams formed in the spring season may continue to play as a rostered team in USYSA affiliated tournaments until the end of the soccer year July 31.

#### **A. Club (Competitive) Division:**

- a. the use of tryouts, invitations, recruiting, or any similar process to roster players selectively to any team on the basis of talent or ability, is permitted.
- b. one or more league rules restrict the manner in which players may be rostered to participating teams.
- c. teams may be organized as "age pure", that is U11, U12, U13, U14, etc., rather than two-year age brackets typically used in recreational (U6, U8, U10, U12, U14, U16, U19).
- d. teams compete in designated competitive tournaments within North Dakota and may travel to tournaments outside of the state.
- e. player may be rostered on one Competitive team and on two Recreational teams.
- f. a player may be allowed to "guest" with another Competitive team, provided the proper State procedures for guesting are followed and the specific tournament rules allow for guesting of players.

#### **B. Recreational**

- a. the use of tryouts, invitations, recruiting, or any similar process to roster players to any team on the basis of talent or ability is prohibited;
- b. the club administering the league accepts as participants in the league any eligible youths (subject to reasonable terms on registration);
- c. a system of rostering players is used to establish a fair or balanced distribution of playing talent among all teams participating;
- d. Players are assigned to teams in accordance with the above, with no more than 7 players continuing from a previous program year (August 1 - July 31) roster; (This provision would not apply to teams from associations that do not have enough players to comply with the requirement. The Recreation Committee will determine whether the exception will be applied.)
- e. league rules require that each player must play at least one-half of each game except for reasons of injury, illness, or discipline;
- f. teams may participate in Competitive tournaments;
- g. teams are eligible to compete in the Midcontinent Recreational Tournament;
- h. a player may be rostered on one Competitive team and on two recreational teams;
- i. a player may not be rostered on more than two Recreational teams (either A or B or Academy), but may be allowed to "guest" with another Recreational or Competitive team, provided the proper procedures for guesting players are followed and the specific tournament rules allow guesting of players.

### **II. Registration and Rostering of Players:**

All players must be registered and rostered to a team to be covered by NDSA insurance and eligible to participate in NDSA-sanctioned events.

A. Recreational Roster Sizes

\*Suggested Roster sizes

- A. 8U – (4v4) No more than 8 players
- B. 10U – (7v7) No more than 14 players
- C. 12U – (9v9) No more than 18 players
- D. 14U – 22 players 14U
- E. 16U – 25 players 16U
- F. 19U– 25 players 19U

Minimum roster size for 8U team is 4 players, 10U teams is 6 players, all other age groups - minimum roster size is 7 players.

B. Competitive Roster Sizes

Maximum roster sizes for Competitive teams are as follows:

- G. 9U & 10U – (7v7) No more than 12 players
- H. 11U & 12U – (9v9) No more than 16 players
- I. 13U-19U- 22 players (only 18 can play in any given game)

Note: Teams that play outside of North Dakota must abide by the rules of the Host State. NDSA and US Youth Soccer recommend that 10U players are developmental only and that travel be limited and close to home. Each association may form their own rules related to players moving up in age group.

C. Player Removal

Players may be removed from a team only if they have violated rules of the NDSA, US Youth Soccer, USFF, USSF, have moved beyond a reasonable travel distance to continue to participate, or have been injured and will be unable to participate for the remainder of the season, or if they choose to leave the team. Competitive players may be added at any time provided the roster has not reached its maximum size. Recreational program players must follow registration deadlines (refer to Registration Deadline section). No more than 5 transfer players may be added to any state cup team and roster size as described above must be maintained. Players must play in their respective age group or in an older age group and must abide by individual association rules for playing up. Players may not play in a younger age group. Failure to comply with this rule will result in the forfeiture of any games played with an over age player. The birth date cutoff for every age group is August first. These age restrictions do not apply to Top Soccer players.

#### D. Registration Deadlines

Player registration and insurance fees are due to NDSA by July 1st and November 1st of the respective seasons. Payments must be received by these dates in order to remain in good standing with NDSA. Any discrepancies in registration numbers and/or charges for mentioned registration numbers are the responsibility of the registering organization to research and amend. Any roster changes or additions made after the filing deadline must be filed with the registrar within seven (7) days of the change. Failure to provide this information will result in a certified letter to the offending league informing them that they have been placed in bad standing with the NDSA. A letter will also be sent to each of the other NDSA leagues informing them of the status of the offending league, and instructing them that they are not to play any games with said league until such time as they have been notified that the league is once again in good standing. If a league is put in bad standing at any time, their insurance coverage is invalid, all previously approved travel papers are rescinded, and no new travel papers will be approved.

#### D. Player Passes

All competitive players will be issued a player pass. Recreational players only need player passes when attending tournaments.

#### F. Dual Registered Players

Players registered to both Competitive and Recreational teams will have their Competitive team listed as their primary team, unless the local association has rules differently. Competitive coaches wishing to pick up recreational players as guest players must get permission from that player's recreational coach. Players are to fulfill their responsibilities to the team for which they are primarily rostered unless released by that coach. Guest forms must be filled out for any player at [www.thetournamentcenter.com](http://www.thetournamentcenter.com) A separate form is required for each tournament. There should not be any writing on the official rosters. Both the state certified roster and the guest player form should be submitted at the team check-in at tournaments.

#### G. Non-Sanctioned Teams

NDSA teams are only allowed to play other USSF sanctioned teams. Playing non-sanctioned teams will void insurance coverage. Teams that play non-sanctioned teams may be placed in bad standing with the NDSA. Playing a non-registered player on a team will cause a team to be in bad

standing. This will also forfeit a team's right to participate and travel to out of state tournaments. All games played with an ineligible player must be forfeited.

#### H. Player Citizenship

All players who are not US citizens must fill out paperwork to participate in any NDSA activities. The paperwork can be downloaded from the ND State Soccer Website at under Administrative Forms. State certified birth certificates are required when registering players to leagues.

#### I. Team Creation outside of League Play

No coach shall put together teams outside of the league scheduled seasons of spring, summer, fall, & indoor unless they are rostering a competitive team. The soccer year begins on August 1 and ends on July 31 each year.

#### J. Player availability after quitting a team

Once a player quits a recreational team he/she will not be allowed to rejoin that team or any other after the cut-off date is in effect.

#### K. Youth players rostered on Adult Teams

Youth players that choose to play with an adult team may do so only if registered through the Adult Amateur Association and with written permission from the State Board. The player's youth coach must also be informed if the player is rostered to a youth team at the time he/she intends to play with an adult team. Refer to the registration information and guidelines for the adult amateur association for more details.

### III. **Player Passes**

All sanctioned tournaments will require the use of player passes.

- A. Player passes may only be signed by authorized persons when proof of age is provided.
- B. Proof of age shall consist of a State Certified Birth Certificate, a Uniformed Services Identification and Privilege Card (DD form 1173) issued by the uniformed services of the United States, birth registration issued by an appropriate government agency, drivers license, Board of Health records, passports, alien registration card issued by the US Government, or certificate issued by the Immigration and Naturalization Service attesting to age or certification of an American citizen born abroad issued by an appropriate government agency. Hospital, baptismal, or other religious certificates will not be accepted. (rule 4033 of US Youth Soccer).
- C. Player passes must have an attached picture. They may be signed by the State Registrar, the Assistant Registrar, League Registrars, a Member of the Board of Directors, District Commissioner, or alternate District Commissioner. Once completed and signed, all player cards must be laminated.

### IV. **Red Cards**

- A. A red-carded player or coach must leave the playing area for the remainder of the game and sit out the next scheduled game for that team.

- B. Only games on the regular schedule, as established by the league prior to the beginning of the season, shall count towards the game penalty.
- C. Scrimmage games cannot be scheduled to substitute for the penalty game.
- D. Each coach and/ or association is responsible for reporting red cards to the tournament staff at check in. Failure to report red cards causes players to be ineligible and therefore all games played with said player will be forfeited.
- E. Red cards go with players on whichever team they were playing for at the time the card was issued. Red cards issued during National Competition such as SD State Cup or Regionals may only be satisfied at a National Competition.

## V. Notification of ODP Tryouts

Dates for ODP will be posted at [www.dakotaodp.com](http://www.dakotaodp.com)

## VI. Travel Papers

All teams intending to travel to tournaments outside of North Dakota must submit travel notification prior to the start of the tournament. Coaches/team managers are encouraged to complete and submit travel notification at the same time they submit tournament applications. Travel notification information may be found at ( [link to document](#) ) . There is no cost for submitting travel papers.

## VII. Hosting Games and Tournaments

- A. Teams and/or Associations wishing to host tournaments or friendly games must submit them online at([link to document](#))The cost for the tournament hosting fee is \$25
- B. North Dakota State Cup
- C. Any Local Association wishing to host this tournament may submit a request to do so. Any team in good standing with NDSA may play. Winning teams are expected to represent SD at the Midwest Regional Championships. The cost of attending the Midwest Regional Championships is entirely the responsibility of the team. Fines will be assessed for teams that drop from the tournament according to Regional rules.
- D. NCS (National Championship Series) State Cup and President's Cup Performance Bond
  - a. The Performance Bond is \$100 per team for either competition.
  - b. If notice of a registered team dropping from the NCS State Cup or President's Cup Competitions occurs on or after 14 days prior to either competition, said team will be assessed a fine of **\$500** per game missed in the event. A review of the circumstances behind the team dropping will be reviewed by the Competitive Committee (NDSA Technical & Executive Director, NDSA Competitive Director, NDSA Director of Player Development, East River Representative, West River Representative). If a member of this Committee is a member of the Club being reviewed, they would be replaced by another NDSA Board Member. If necessary, future participation in NDSA sanctioned events may be impacted. The fined team's association can submit an appeal per the NDSA Disciplinary Policy, Section 3A of the NDSA Bylaws.

## VIII. Risk Management

- A. All volunteers (coaches, assistant coaches, referees, board members) in direct contact with players must fill out a Volunteer Disclosure Form online at ([link to document](#)) These forms are due to be submitted by April 10 or September 10 of the respective seasons.

## IX. Insurance

Insurance claim forms may be obtained from NDSA by emailing ( [link to email](#)). The completed claim form will be done online via a link supplied by NDSA. Once submitted it will be shared with the Executive Director or State Administrator at the State Office, who will sign off on this paperwork after verifying that the player has been properly registered through NDSA and submit it to the insurer. Players Health, our insurer, will be in contact with the family on how to proceed and what paperwork is required. It is critical that all rosters are exact as only those listed players are covered by insurance. The soccer insurance is good only when playing in sanctioned soccer games or tournaments. Playing in non-sanctioned tournaments voids the insurance and the coach is responsible for telling the parents about the lack of coverage for that specific tournament.

### North Dakota Soccer Association Competitive Soccer Player Recruitment Policy

#### DEFINITION OF TERMS:

- A. NDSA:** North Dakota Soccer Association.
- B. Competitive Team Definition:** Team(s) formed to provide players with advanced skills and an expressed desire to experience a level of competition beyond that afforded by a recreational team.
- C. Competitive Team Formation:** Competitive teams can be formed a number of ways. Here are the examples of how competitive teams are formed but are not limited to: the use of tryouts, invitations, recruiting or any similar process to roster players selectively to any team on the basis of talent or ability is used. This also includes but not limited to, forming a team to participate in the National Championship Series like State Cup, Regionals and Nationals.
- D. Soccer Year:** That period of time that begins on August 1 of a given year and ends on July 31 of the following year.
- E. Recruiting a Player:** includes contact in person, by telephone, fax, email, text message, social media such as (Facebook, twitter, etc..) and any third person or by any other means calculated or intended to establish individualized communication with a specific player, or by issuing to them an Invitation to Pl



- F. Rostering a Player:** To list a player on a team roster and submit that roster, along with the registration fee, to the NDSA Registrar.

## II. **GENERAL RULE:**

- A.** No team, coach, club, club program, club organization or other person acting on behalf of a team, club, club program, club organization or coach may contact a player or player's parent or guardian for the purpose of recruiting, soliciting, enticing, persuading or attempting to persuade a player to play on a particular club team or for a particular club or club program or to issue an invitation to play.
- B.** All Competitive club teams in North Dakota are the ones who have signed and agreed to follow the NDSA Competitive Soccer Player Recruitment Policy, NDSA Recruiting Player(s) Protocol Policy, and NDSA Guest Player(s) Policy.

## III. **THE OPEN RECRUITMENT WINDOW:**

- A.** From July 1<sup>st</sup> through July 31<sup>st</sup> in a given year.
- B.** From August 1<sup>st</sup> of a given year through June 30<sup>th</sup>, all players who are rostered on one of the competitive club teams in NDSA cannot be recruited, unless you follow NDSA Recruiting Player(s) Protocol Policy.
- C.** All players who participate on one of the competitive club teams is binding them for the next soccer year to that particular club unless released by Club Director / Designated Club Director / Club President.

## IV. **SUBMISSION OF INFORMATION:**

Competitive team(s) and/or competitive organizations have the responsibility to contact the NDSA 1<sup>st</sup> VP of competitive soccer, so NDSA can post this information onto the NDSA website each given soccer year.

### **North Dakota Soccer Association Recruiting Player(s) Protocol Policy**

Before approaching a player(s) who is not in your club and/or the player's parents regarding an opportunity to play/roster or dual roster for a team, the Director of Coaching / Designated Club Director / Club President must be contacted prior and informed of the intent to contact the player and parents. The Club Director / Designated Club Director / Club President will contact the coach in charge of the player's team to discuss the possibility of playing for the requesting club. The following protocol should be followed when asking players from non-competitive (recreational) teams to play for competitive club teams:

- A.** Will not directly contact individual players or parents of players from other programs.
- B.** Will not get your players or parents of your players to directly contact players or parents of players from other programs.
- C.** Team coaches wishing to add a player from another program must request said player through the Director of Coaching / Designated Club Director / Club President.
- D.** Provide the following information to the Director of Coaching / Designated Club Director / Club President:
  - A.** Player's name;
  - B.** Player's team and uniform number; and

- C. Coaches name and contact information.
- E. Director of Coaching / Designated Club Director / Club President will make contact with the program's Director of Coaching / Designated Club Director / Club President in charge to receive contact information for the player's parents to begin discussions on rostering with current team.
- F. Will not contact a player directly to discuss his/her play, style of play and/or potential recruitment.
- G. Should a player initiate contact with you directly to play for the team, this same process should still be followed.
- H. If there has not been a response back from the Director of Coaching / Designated Club Director / Club President within 3 days of the request, then the NDSA State DOC can get involved. If this cannot be resolved at the NDSA State DOC level, then the next step would be to contact the NDSA 1<sup>st</sup> VP (competitive) chair. If the conflict cannot be resolved, then the NDSA Conflict Resolution Policy will be followed.

### **North Dakota Soccer Association Guest Player(s) Policy**

Before approaching a player(s) who is not in your club and/or the player's parents regarding an opportunity to guest play or dual roster, the Director of Coaching / Designated Club Director / Club President must be contacted first. The Club Director / Designated Club Director / Club President has the right to grant or refuse the player request to guest play or dual roster.

Players or parents from your club should not directly contact players or parents of players from other clubs in regards to guest playing. Club Director / Designated Club Director / Club President to Club Director / Designated Club Director / Club President communication is the proper line of communication when asking for guest players from another club.

The use of guest players is permitted when that team is short of available players. Guest players are not to be used to replace currently rostered players.

Guest players may not be excused from their own team's activities without express approval from their coach.

Any conflict between teams regarding the sharing of players will be resolved by the Director of Coaching / Designated Club Director / Club President. Unless the conflict cannot be resolved then the NDSA Conflict Resolution Policy will be followed.

NDSA players may not play as a guest player with another team if the player's NDSA team is participating in any event at the same time, unless the two organizations have a mutual agreement.

**NOTE:**

EXCEPTION: North Dakota ODP Events

North Dakota Soccer Player Loan Agreement

Section 1: To be completed by Current Team

I, \_\_\_\_\_, manager/coach of the \_\_\_\_\_ team, do hereby loan the following player(s) to the \_\_\_\_\_ team, managed/coached by \_\_\_\_\_ to play in the following out-of-state event.

Name of Tournament \_\_\_\_\_

Tournament Dates \_\_\_\_\_

Tournament Location \_\_\_\_\_

Manager/Coach Signature \_\_\_\_\_ Telephone \_\_\_\_\_

Name (Print)

Player ID#

Birthdate

Section II: To be completed by the Out-of-State/Country Team.

It is understood that I, \_\_\_\_\_ manager/coach of the \_\_\_\_\_ team, will return the above-named player(s) to the team to which they are registered and rostered after the final game of the tournament.

Manager/Coach

Signature \_\_\_\_\_ Telephone \_\_\_\_\_

Section III: To be completed by the State Association

I have verified that the above name player(s) are registered and rostered to the parent team and that the above tournament is an approved US Soccer Federation sanctioned event.

ND Soccer State Administrator

Date

\_\_\_\_\_

\_\_\_\_\_

North Dakota Soccer Association  
Disciplinary Policy

**A. Statement of Policy**

- a. The North Dakota Soccer Association recognizes that from time to time there is a need to enforce organizational rules, hear disputes between members, provide disciplinary action as well as hear appeals from any disciplinary action applied. In addition, member leagues need clarification of certain aspects of discipline and appeals and need guidelines for establishing the league policy.
- b. The basis of the NORTH DAKOTA SOCCER ASSOCIATION policy derives from the United States Soccer Federation Policy Manual, Policy 531-9, Misconduct Toward Game Officials, and United States Soccer Federation Bylaw 701, Hearing Procedures; Bylaw 705 Appeals Procedures, and U.S. Soccer Appeals Manual, first issued 2/24/00. (Amended 6/17/00)

**B. DIVISION OF DISCIPLINE AND APPEALS.**

- a. **Disciplinary Hearings** are to be held pertaining to alleged violations of section 201 (b) (6) of the Amateur Sports Act of 1978. This section of the act provides an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, age, sex, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator or official before declaring such individual is ineligible to participate. Disciplinary hearings can be held on all matters including disputes between members or disputes between members and those doing business or involved in activities with members not involving declarations of ineligibility to participate. Disciplinary hearings can be held to fine teams or place them on probation for activities that may be deemed negative in behavior or performance of agreement.
- b. **Appeal Hearings** are held to determine the fairness of a lower level hearing or penalty or other decisions applied as a standard penalty.

**C. Definitions and Clarification of Terms and Understandings**

- a. **Disciplinary Hearing.** A meeting that is held to decide whether or not disciplinary action is needed for an incident with all parties having a chance to participate.
- b. **Standard Penalties.** A league or NORTH DAKOTA SOCCER ASSOCIATION may, by a vote of the board, maintain a list of standard penalties to be applied in the case of an infraction. The decision to apply the penalty resides with the president, chairman of the disciplinary committee or other designated person. Notice of application of a standard penalty must also include notice of the appeal process.
- c. **Payments.** Any adult participant, coach, trainer, manager, administrator, official, league, team, club or group fails to pay for an activity, registration, permit, fine, or any proper payment, to the state can be denied the opportunity to participate in that activity or in any state activity or receive a travel permit until the payment is made or acceptable arrangements can be made for payment. This decision is appealable to the state Appeals Committee for a state activity, posting a fee in the amount of the disputed sum as a hearing fee. If the appellant's position is NOT upheld, the fee will be retained by the state and the fee will be considered as payment for the activity (if paid in full). If the appeal is successful, the hearing fee will be refunded to the appellant. At that time, the suspension will be rescinded. If a player has completed registration (paperwork and fees have been filed and paid to the state) for the current year, but his/her fees are in arrears from program a previous year, or from a program in the current year, the player can continue to play in league games, but may not enroll in any state program or travel until all fees are current. This can be appealed with the fee for appeal being the amount in question. If a player has not completed registration for the current year and his/her fees are in arrears from the

previous year, the league or state is permitted to not register the player for the current seasonal year until the fees are current.

- d. Bad Standing. Any club, team or league, for which it is judged is in bad standing with one NDSA member organization, is considered in bad standing with all members. For example, a club placed in bad standing with a league is in bad standing with NDSA and with any other leagues. In order to place an entity in bad standing, a disciplinary hearing must be held. It is not necessary for another league or for NDSA to hold additional disciplinary hearings, but NDSA may hear the appeal.
- e. Written Notice. Persons subject to discipline have a right to proper notice, which shall consist of notice of the date, time and place of the hearing or appeal. This notice must be mailed to the address known for the person within 10 days from the receipt of the request from the complainant for a disciplinary hearing.
- f. Written Record. All aspects of disciplinary or appeal hearings must be documented. Minutes recording the persons present, persons speaking, and the formal outcome of the hearing as well as any other documentation used in the hearing will be a part of the permanent record of the hearing and will be maintained by the NDSA state office. Taping of the proceedings is also acceptable as documentation, with the cost for transcription to be borne by the person requesting the transcription.
- g. Notice of Appeal. All persons subject to a judgment at a level below the state level are to be notified as a part of the written notice of judgment of their right to appeal, and the process, time and cost to do so. All state level decisions, which are appealable, shall include notification to the person, as a part of the written notice of judgment of their right to appeal, the process, time, and cost to do so.
- h. Probation. Probation is a condition of warning to the person that additional hearing panels may use in determining a harsher penalty for subsequent offenses.
- i. Mediation. Mediation is a process agreed to by both parties to come to a resolution of a case. No member of the Disciplinary Committee including the Chairman or Appeals Committee including the Chairmen may participate in the mediation. Both parties must agree to the mediation result in writing, agreeing not to pursue the matter in appeal. The mediator and the result must be acceptable to both parties. If one party does not agree to a result, the Disciplinary or Appeals Committee will hear the matter. Any matter can be subject to mediation (except those in state sponsored programs due to the immediacy of the necessity to hear the matter). Mediation should be offered in every case that is brought for a Disciplinary Hearing or an Appeal Hearing but must not interfere with the timeliness of the hearing or the appeal, unless the accused party or appealing party agrees to the mediation, in which case the hearing may be delayed until after the mediation if resolution is not obtained.

#### **BOARD POLICY DA-1:**

Board Policy for Establishment of Disciplinary Action including General Matters, League Level Hearings, State-Run Program Hearings, and State Level Hearings.

#### **Section 1. Disciplinary Hearing (General)**

- A. When an allegation of misconduct by any member is made, according to the guidelines of the United States Soccer Federation, the United States Youth Soccer Association and the North Dakota Soccer Association, the parties are notified of the appropriate hearing in writing within 10 days of receiving the allegation of misconduct.

- B. The NDSA President or Chair of the appropriate panel (Discipline and Appeals) will ask both parties if they would like the matter to be referred to mediation. The mediation will be described as follows:

  - a. Mediation is to be offered in the case to settle it prior to a formal hearing.
  - b. Both parties will meet together and separately with a mediator, who will be agreed upon by both parties.
  - c. If a common result can be gained, and if both parties will agree to abide by the terms of the document, no appeal will be available in the matter.
  - d. If, at any time either party withdraws from the mediation process, the Disciplinary or Appeals process will begin from that point. If the misconduct is an assault or abuse against a referee, and the referee does not agree to mediation, a disciplinary hearing will be held.
- C. Disciplinary Hearings will be held in accordance with the rules concerning notices, records, etc.
- D. The notice of a hearing must be in writing and describe in detail the grounds for the hearing.
- E. Parties filing a request for hearing, and parties receiving notice shall have access to all pertinent information regarding the incident or action. Affiliate soccer organizations shall not deny access to any information that could apply to the appeal. The United States Soccer Federation Appeals Committee shall base its decision upon the evidentiary record of the league, state disciplinary or appeals committees.
- F. NOTE: Players who are in jeopardy of losing playing time for other than red card suspensions or referee assault, may request to their league president if a league hearing is to be held, or to the NDSA President if the hearing is at the state level, for the player's hearing be held prior to the player's next game. If the hearing cannot be fast-tracked to accommodate this, then the player will be permitted to play until the hearing. (Red Card and referee assault suspensions are covered in the first section of this policy.)
- G. The League or State Disciplinary Committee shall have the right to decline a hearing if:

  - 1. The request for a hearing is filed by a party other than the original parties. League officers are considered original parties in matters pertaining to league matters.
  - 2. The proper procedures have not been followed in requesting a hearing to the committee; or
  - 3. The information necessary to make a fair and just decision on the hearing has not been furnished.
  - 4. The league or NDSA can refuse to conduct a Disciplinary or Appeals hearing if the offense is not against a rule, law, policy or other written article.
- H. The committee can meet together, on a conference telephone call, or a combination of the two.
- I. At all levels of the process, if a decision is not reached within 30 days of receipt of the written notice, the party filing for the hearing may submit the request to the next higher level without determination.
- J. Decisions of the lowest disciplinary committee shall be binding at all levels unless a higher authority overturns the decisions. Failure to abide by the decision of the committee shall be grounds for disciplinary action by the League Board of Directors, if at the league level, or the NDSA Board of Directors if the matter is at the state level.
- K. At the conclusion of the disciplinary process, the Chairperson of the Disciplinary Committee shall forward any suspension to the NDSA President, who will cause a list of all suspensions to be sent to member leagues at least four times per year listing the name, position, league, offense, and date the suspension is to be completed.

- L. Players, coaches or officials suspended from activities by a league or by the state, or by any affiliate or associate member of the United States Soccer Federation are not permitted to participate in the programs or activities of any other league, state or affiliate of USSF.
- M. For every league or state disciplinary hearing that may involve penalties against a player, the committee must include an NDSA player or former player over the age of 18 years old who has participated with a USSF National Team, a USYSA Regional Team or an NDSA State Team.

**Section 2. Disciplinary Hearings: Leagues (In addition to rules in Section 1)**

- A. Leagues can establish a discipline committee to hear alleged violations of league rules that deal with suspensions of an athlete, coach, trainer, manager, administrator, official, and club.
- B. Referee assault and abuse violations are dealt with at the state level. Referee Assault and Abuse cases must be reported in writing to the NDSA President in a timely manner. Failure to do so may result in the inability to verify the incident and the case will not be heard.
- C. Rules for and violations by parents/spectators may be included in league rules. Leagues have the responsibility to make and enforce parent/spectator rules for behavior and for referee assault and abuse. League discipline for parents/spectators concerning sideline behavior are not appealable.
- D. All decisions of the league discipline committee are appealable to the NDSA Appeals Committee except decisions dealing with the behavior or actions of parents and spectators, which are not appealable.
- E. The league must establish rules of notification of parties, makeup of the committee, etc. following the guidelines at the end of this document.

**Section 3. Disciplinary Hearings: State (In addition to rules in Section 1)**

- A. The NDSA may provide for fines and probation to members at any level. If approved by the Board of Directors, the NDSA Disciplinary Committee can apply fines and probation as a matter of course for specified offenses. These fines and probation can be appealed to the NDSA Appeals Committee.
- B. Members having disputes with each other can request a state disciplinary hearing. However, the matter may be referred to mediation or a grievance hearing, which are not covered under these rules.
- C. The State Disciplinary Committee will hear all cases of alleged referee assault and abuse. When the NDSA President verifies an allegation of assault, the person is automatically suspended until the
- D. hearing on the assault. The rules for the hearing on referee assault are to be found in a special section in this document.

**Section 4. Disciplinary Hearings: State Sponsored Programs (In addition to rules in Section 1)**

- A. Players, coaches, managers, officials at state cups are subject to disciplinary actions by the State Cup Site Disciplinary Committee.
  - 1. Site Disciplinary Committees can be formed at each site according to the rules in the NDSA Site Directors Manual.
  - 2. The only appeal on site will be vested with the official Tournament Director or designee.
  - 3. In lieu of an on-site appeal, decisions can be appealed to the State Appeals Committee.
- B. Players, coaches, managers, officials, parents and spectators at out-of-state Olympic Development Program activities may be subject to disciplinary actions by the ODP Disciplinary Committee. Players, coaches, managers, officials, parents and spectators at in-state activities are subject to disciplinary actions by the State Disciplinary Committee. For out-of-state situations:

1. A committee shall be formed that does not include the highest-ranking NDSA ODP official on site. Ranking will be as follows: NDSA President, Program Director, State Registrar, Director of Coaching, Boys or Girls Head State Coach, Team Administrator of the player(s) in question, Team Administrator of another team, Head Coach of the player(s) in question, Assistant Coach of the player in questions, Coach of another team.
  2. The only on-site appeal is to the highest ranking state ODP official on site.
  3. In lieu of an on-site appeal, decisions can be appealed to the NDSA Appeals Committee upon return to the state.
- C. Parents or spectators at a state-sponsored event who commit referee assault will be arrested.
- D. A state cup or ODP official will counsel parents or spectators, who commit referee abuse at a state-sponsored event. The allegation of abuse will be in the judgment of the state cup or ODP official. The second offense of alleged abuse for that team (which can occur concurrently) will result in the team not being allowed to have any spectators or parents present for subsequent games, as determined by the site director, if a state cup, or the senior ODP official, if an ODP activity. Failure of the parents/spectators to abide by the ban from attending will result in forfeiture of games; forfeiture of bond, if any; and a fine of up to \$500 per occurrence.
- E. The above are appealable to the NDSA Appeals Committee after the event.

## **Section 5. Penalties**

- A. No state association, official, club, league, team, coach, referee, or player or their representative, may invoke the aid of the courts of any state or of the United States without first exhausting all available remedies within the appropriate soccer organizations.
- B. For violation of this rule, the offending party shall be subject to the sanctions of suspension and fines, and shall be liable to the USSF and State Association for all expenses incurred by the USSF and its officers, and state association and their officers, as appropriate, in defending each court action, including, but not limited to, court costs, attorney's fees, reasonable compensation for time spent by officers and employees in responding to and defending against allegations in the action, including responses to discovery and court appearance, travel fees, and expenses for holding special meetings necessitated by court action.

## **BOARD POLICY DA-2:**

### **Board Policy for Establishment of Appeals**

#### **Section 1. Hearing of Appeal.**

- A. The North Dakota Soccer Association shall establish a committee, which shall be the final arbiter for all protests and appeals at or below the state level, except those mediated with a result signed by both parties, which is not appealable.
- B. There will be no more than two hearings at or below the state level. Leagues may hold only one hearing: a disciplinary hearing or an appeals hearing for appealing a standard penalty.
- C. All decisions of the league discipline committee are appealable except decisions dealing with the behavior or actions of parents and spectators.
1. Players in ODP situations receive immediate hearings at the ODP level. Players on ODP trips outside of the state boundaries may appeal a suspension or being sent home to the highest state ODP official at the site in lieu of a state appeal hearing within the state upon return.



2. Standard penalties (applied without a hearing) can be appealed to the league appeals committee if a league penalty, or the NDSA Appeals Committee, if an NDSA standard penalty.
3. The official record shall be limited to all of the material considered at the hearings.
4. The line of authority hearing an appeal beyond the National State Association shall be the USSF Appeals Committee.
5. In accordance with USSF Policy 705, Section 1, not every decision heard by the NDSA Appeals Committee is appealable to the USSF.

## **Section 2. State Level Appeal Filing Procedure**

- A. The appeal must be in writing and describe in detail the grounds for the appeal. The appeal must be an original (facsimiles not accepted) appeal form mailed to the NDSA President at the state office.
- B. The NDSA President, will ask both parties if they would like the matter to be referred to mediation. The mediation will be described as follows:
  - a. Mediation is to be offered in the case to settle it prior to a formal hearing.
  - b. Both parties will meet together and separately with a mediator, who will be agreed upon by both parties.
  - c. If a common result can be gained, and if both parties will agree to abide by the terms of the document, no appeal will be available in the matter.
  - d. If, at any time either party withdraws from the mediation process, the Disciplinary or Appeals process will begin from that point.
- C. Parties filing an appeal shall have access to all pertinent information regarding their appeal. Affiliate soccer organizations shall not deny access to any information that could apply to the appeal. The USSF Appeal Committee shall base its decision upon the evidentiary record utilized by the NDSA Appeals Committee or other body whose decision is being appealed.
- D. The written appeal must be received in the state office ten (10) business days from the date of the receipt of a written decision from a lower authority. In the case of competitions, the time allowed to file appeals may be less than ten (10) days if the competition rules so specify.
- E. NOTE: players who are in jeopardy of losing playing time for their next game may request to their league president if a league hearing is to be held, or to the NDSA President if the hearing is at the state level that the player hearing be held prior to the next game. If the hearing cannot be fast-tracked to accommodate this, then the player will be permitted to play until the hearing. (Red Card suspensions and referee assault are covered in the first section of this policy.)
- F. The appeal fee, payable to NDSA in the form of money order, cashier's check or certified check shall accompany the appeal. The fees are as follows:
  - a. \$100 for all appeals, except, as in (2) and (3) below. If the appeal is successful, the fee will be returned. If the appeal is not successful, the fee will be put into the NDSA Sportsmanship Fund.
  - b. The amount of the disputed fine or sum in the case of suspension for failure to pay fees owed. If the decision is upheld, the fee (amount of the disputed sum) will be forfeited. If the appeal is not upheld, the fee will be refunded.
  - c. There is no fee for appeals for players, except in the case of failure to pay fees.
- G. The State Appeal Committee shall have the right to decline a hearing if:
  - a. The appeal does not pertain to the original protest or the decision of a lower authority;
  - b. The appeal is filed by a party other than the original parties to the protest/appeal;
  - c. The proper procedures have not been followed in appealing to the committee; or
  - d. The information necessary to make a fair and just decision on the appeal has not been furnished.

- H. The appeal at the state level may, but does not have to be, a re-hearing of facts. The appeal is to be based on the fairness of the original hearing and/or the question of whether sanctions are capricious or arbitrary.
- I. The appeals committee may uphold the decision entirely, reverse the decision entirely, uphold the decision and lower the penalty, or refer the matter back to the league for a re-hearing or reconsideration. The penalty from the lower authority cannot be increased.
- J. The appeals committee can meet together, on a conference telephone call, or a combination of the two.
- K. At all levels of the appeal process, if a decision is not reached within 30 days of receipt of the written appeal, the party filing the appeal may submit the appeal to the next higher level without determination and the appeal fee submitted will be applied at the next level. Decisions of the NDSA Appeals Committee shall be binding at all levels unless a higher authority overturns the decisions. Failure to abide by the decision of the committee shall be grounds for disciplinary action by the NDSA Board of Directors.
- L. All decisions at all levels of the appeal process shall stand and be in full force and effect until changed by a higher authority.
- M. At the conclusion of the process (disciplinary or final appeal) the NDSA President will cause a list of all suspensions to be sent to member leagues at least four times per year listing the name, position, league, offense, and date the suspension is to be completed.
- N. Players, coaches or officials placed in bad standing by a league or by the state, or by any affiliate or associate member of the United States Soccer Federation are not permitted to participate in the programs or activities of any other league, state or affiliate of USSF. These players are accorded appeal rights through the USSF Appeals level.
- O. Players suspended from a league, but not placed in bad standing (permitted to play or participate in other programs or leagues) are not automatically in bad standing with other leagues. Their rights to appeal extend only through the NDSA Appeals level.

### **BOARD POLICY DA-3**

#### Board Policy on Referee Assault and/or Referee Abuse

The North Dakota Soccer Association policy on Referee Assault and Abuse is based on the information from the United States Soccer Federation Policy Manual. It is a duty of all entities of soccer in this state from the NDSA Board of Directors to each member league, club and team to pass along to all players, coaches, managers, administrators, parents or spectators the rules pertaining to referee assault and referee abuse. The expectation is that any and all instances of assault and abuse are unwarranted and are to be dealt with according to the rules herein.

The league holds the first and only line of responsibility for parents and spectators at practices and games except for state cup and ODP situations. Parents and spectators have no appeal of any discipline applied by their league for behavior at practices or games.

#### Referee Assault and Abuse

Reprinted from the United States Soccer Federation Policy Manual. Sections amended to conform to USSF rules.

*Policy 531-9 MISCONDUCT TOWARD GAME OFFICIALS*

## **Section 1. General**

Misconduct against referees may occur before, during and after the match, including travel to and from the match. Misconduct may occur also at later times when directly related to duties of a game official as a referee.

This policy shall supersede all rules of organization Members that pertain to assaults or abuse upon Federation referees, assistant referees, the manner and means of hearings, appeals, and re-hearings in matters pertaining thereto.

Nothing in this policy rule shall be construed to restrict or limit any league, event/tournament or State Association from applying equal or greater restrictions to anyone not listed in section 4(a)(1) of this policy (i.e. a spectator associated with a club or team).

## **Section 2. Terms and References**

As used in this policy—

- A. "Referee" includes the following:
  - a. All currently registered USSF referees, assistant referees, fourth officials or others duly appointed to assist in officiating in a match.
  - b. Any non-licensed, non-registered person serving in an emergency capacity as a referee (under Rule 3040)
  - c. Any club assistant referee.
- B. "Hearing" means a meeting of at least three neutral members, of whom one is designated or elected to serve as chairman. The hearing shall be conducted pursuant to guidelines established by the National State Association.
- C. Referee assault is an intentional act of physical violence at or upon a referee
- D. For purposes of this policy, "intentional act" shall mean an act intended to bring about a result that will invade the interests of another in a way that is socially unacceptable. Unintended consequences of the act are irrelevant.
- E. Assault includes, but is not limited to the following acts committed upon a referee: hitting, kicking, punching, choking, spitting on, grabbing or bodily running into a referee; head butting; the act of kicking or throwing any object at a referee that could inflict injury; damaging the referee's uniform or personal property, i.e. car, equipment, etc.
- F. Referee abuse is 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.
- G. Abuse includes, but is not limited to the following acts committed upon a referee: using foul or abusive language toward a referee; spewing any beverage on a referee's personal property; spitting at (but not on) the referee; or verbally threatening a referee.
- H. Verbal threats are remarks that carry the implied or direct threat of physical harm. Such remarks as "I'll get you after the game" or "You won't get out of here in one piece" shall be deemed referee abuse.

## **Section 4. Jurisdiction and Hearings General**

- A. When any amateur or professional player, coach, manager, club official or game official assaults or abuses a referee, the original jurisdiction to adjudicate the matter shall vest immediately in the

responsible National State Association which is affiliated with the United States Soccer Federation.

- B. When an allegation of assault is verified by the National State Association, the person is automatically suspended until the hearing on the assault.
1. The National State Association must hold a hearing within thirty (30) days of the verification by the Association or League of the abuse or assault or, if applicable, the thirty-day period provided by subsection (b)(3) of this section. If the Association or League does not adjudicate the matter within that period of time, original jurisdiction shall immediately vest in the Federation Appeals Committee to adjudicate the matter, to which the same provisions as to the term of suspension shall apply.
  2. Failure to hold the initial hearing shall not rescind the automatic suspension.
  3. The person charged with referee abuse or assault will be given the opportunity to waive the hearing, in which case, the automatic penalty will be assessed. The waiver must be in writing and received by the State Office, addressed to the NDSA President, within 5 business days of notification of the charge. A person who waives the hearing cannot appeal the decision.
- C. Events and Tournaments
1. In the event that an assault on or abuse of a referee occurs in an event outside the alleged offender's home state, the referee shall:
    - a. immediately notify the Event/Tournament Chairman, and
    - b. forward a copy of the game report and his/her comments on the incident to the Event/Tournament Chairman.
  2. The Event/Tournament Chairman shall have the right to immediately convene a hearing at the site of the Event/Tournament, at which the alleged offender, the coach of the alleged offender when the offender is a player, and the game official should be present. Information presented at this hearing shall promptly be related to the alleged offender's National State Association President by the Event/Tournament Chairman, both orally and in writing; however, failure to provide written information shall not restrict the offender's home National State Association from taking action with regard to any referee abuse or assault.
  3. Final jurisdiction shall vest with the alleged offender's home National State Association. A hearing shall be held by that National State Association within thirty (30) days of the receipt of the initial report of the abuse or assault on a referee.

## **Section 5. Penalties and Suspensions**

- A. Assault
1. The player, coach, manager, or official committing the referee assault is automatically suspended as follows:
    - a. for a minor or slight touching of the referee or the referee's uniform or personal property, at least 3 months from the time of the assault;
    - b. except as provided in clause (3) or (4), for any other assault, at least 6 months from the time of the assault;
    - c. for an assault committed by an adult and the referee is 17 years of age or younger, at least 3 years; or
    - d. for an assault when serious injuries are inflicted, at least 5 years.
  2. A State Association adjudicating the matter may not provide a shorter period of suspension but, if circumstances warrant, may provide a longer period of suspension.

B. Referee Abuse

The minimum suspension period for referee abuse shall be at least three (3) scheduled matches within the rules of that competition. The National State Association or Professional League adjudicating the matter may provide a longer period of suspension when circumstances warrant (e.g. habitual offenders).

## **Section 6. Appeals**

A. Assault

A player, coach, manager, or official who is found by the Disciplinary Committee to have committed the assault may appeal to the (National) Appeals Committee by following the procedures Federation Bylaw 705 within 10 days from receipt of the decision of the State Association.

B. Abuse

A player, coach, manager or official who is found by the Disciplinary Committee to have committed the abuse may appeal the decision by following the appellate procedures of Federation Bylaw 705 within ten (10) days from receipt of the decision of the State Association.

**Section 7. Procedure for Reporting Assault and Abuse**

- A. Procedures for reporting of referee assault and/or abuse shall be developed and disseminated by the National Referee Committee to all Federation registered referees for use in their National State Association.
- B. Referees shall transmit a written report of the alleged assault or abuse, or both, within 48 hours of the incident (unless there is a valid reason for later reporting) to the president of the National State Association or Professional League or their designees and the State Referee Administrator. For tournaments or special events, the referee shall transmit a written report to the tournament director on the day of the incident and to his home state SRA within 10 days of the incident.

**North Dakota Soccer Association Policy Process on Referee Assault or Abuse**

- A. Referees have a responsibility to report assault and abuse to the state association (which is the designee of the president of NDSA), and the State Referee Administrator (SRA) within 48 hours, unless there is a valid reason for delay. For tournaments or special events, the referee shall transmit a written report to the tournament director on the day of the incident and to his/her home state SRA within 10 days of the incident.
- B. It is the responsibility of the NDSA league to ensure that the referee is making the report to the state office in a timely manner, and assist referees, if necessary to do so. This does not absolve the referee from making the report. The referee has 48 hours to make the report, and the league has 48 hours to send a report, if the referee does not, or if the league, by league rule, accepts the responsibility for sending these reports.
- C. If the referee's report is not received in a timely manner, the time for notification of the disciplinary hearing, in the case of assault, or the first time abuse shall begin with the verification by the state office. If the referee's report is not received within 48 hours and there is no valid reason for doing so, verification of the event may be difficult, and the case may not be referred for further action.

- D. All allegations of referee assault shall be sent to the State Office in writing 48 hours from the alleged offense. The NDSA President will verify the incident and notify the person and the league of the suspension pending outcome of the Disciplinary Hearing. Within 30 days of the notification of the state office, a state Disciplinary Hearing will be held.
- E. All allegations of referee abuse will be sent to the State Office in writing 48 hours from the alleged offense. Within 30 days of the notification of the state office, a state Disciplinary Hearing will be held.
- F. It is expected that all cases of abuse and assault of referees by parents or spectators will be handled at the league level. NDSA recommends for assault of referees of any age by a person who is not a player, coach, manager or official that the police are to be called and the perpetrator arrested. NDSA recommends for abuse of referees of any age that after the first offense the spectators be counseled on proper behavior and warned. After the second offense that the team will lose its right to have anyone except carded players and coaches attend any games for the remainder of the season. There is no appeal for league discipline of persons who are not players, coaches, managers, or officials. Therefore parents/spectators who are disciplined by a league have no further recourse.
- G. Parents or spectators at a state-sponsored event for whom it is alleged that they have committed referee assault will be arrested. If it is alleged that they have committed referee abuse, they will be counseled by a tournament official. The second offense of abuse (which can occur concurrently) will result in the team not being allowed to have any spectators or parents present for subsequent games, as determined by the site director if a state cup, or the senior ODP official, if an ODP activity.

#### **Hearing Procedures:**

The North Dakota Soccer Association shall adhere to the following standards of USSF Bylaw 701. (Hearing Procedures) In all hearings conducted under these bylaws, the parties shall be accorded:

- A. Notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true;
- B. Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
- C. The right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
- D. A hearing before a disinterested and impartial body of fact-finders;
- E. The right to be assisted in the presentation of one's case at the hearing;
- F. The right to call witnesses and present oral and written evidence and argument;
- G. The right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing;
- H. The right to have a record made of the hearing if desired; and
- I. A written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion.

In addition, the following State Association Rules shall apply. Please note: The North Dakota Soccer Association is not considered the "prosecutor" of referee assault and abuse cases. It is considered the neutral arbiter of the matter. The referee brings and presents the charges against the party being charged. The NDSA President (or designee) is neutral in the matter, and may answer questions from either or both parties as to hearing procedures. When a judgment by the NDSA Disciplinary or Appeals Committee is appealed to the USSF, NDSA becomes a party defending the appeal.

- A. Immediately upon receipt of the notice of hearing, each party shall notify the Committee Chairman or designee in writing by fax (330-659-0989) or letter (Disciplinary/Appeals Chairman, Box 367, Richfield, OH 44286) of the identity of witnesses to be presented. Failure to do so 24 hours prior to the hearing is a violation of section 7 above and will result in the witness(es) not being permitted to give testimony. The chairman of the committee or designee must have this information available 24 hours prior to the meeting, if requested by each or both parties.
- B. Each party shall have the right to have an individual (further referred to as representative) present at the hearing to assist in presenting or defending the party's case. Such an individual may be, but does not have to be, an attorney.
- C. The parent or guardians, in addition to the representative as in section 1, must accompany any party, who is a minor.
- D. Representatives may consult with the party, but are not permitted to speak on behalf of the party or question witnesses.
- E. All NDSA hearings will proceed with the rules established by this document. All federal, state or local rules of evidence or civil procedure shall not be applicable.
- F. Representatives shall have the right to be physically present in the hearing room and to sit next to or right behind the party, so that the party may seek assistance when desired.
- G. The party may confer briefly with the representative before making a response to a question or before making a statement. The committee may limit the frequency and duration of the conferences so as not to unduly interfere with the proceeding.
- H. The party may request a recess to confer with the representative. Such a request will be granted unless the number of requests by a party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.
- I. The party may be assisted in preparing written materials and collecting documents; however, the party must present the materials and documents. Representatives are not permitted to present them. The party has complete responsibility for those materials and documents and is subject to questioning about them.
- J. The party has a right to be present throughout the presentation of materials and questioning and shall have a right to challenge written or oral statements. The deliberations are held outside the presence of others not on the panel, and only the result of the deliberation is to be made public.
- K. All witnesses, who are minors, must also be accompanied by their parent(s) or guardian(s).
- L. No testimony, other than that given orally, will be permitted. No written testimony will be received unless the author of the writing is present to be questioned.
- M. Only witnesses to an incident or activity shall be heard. Character witnesses will not be permitted.
- N. The judgment of the panel will be mailed certified mail the first business day following the hearing. It will state the decision, cite the section violated, state the fact that the decision was based on the evidence, if it was so, the reason for the decision, the penalty, and the rights and process of appeal.
- O. Witnesses are limited to three per side.
- P. Telephone testimony is allowed; however, the proceedings are not to be interrupted or delayed due to electronic or mechanical malfunction.
- Q. Written Notice shall be sent to the address of the person subject to discipline through mail with a return receipt. If the party fails to pick up the mail, it will be considered properly delivered if sent to the last known address of the party. It is the responsibility of the parties to verify their addresses to the NDSA President.

The NDSA Committee, either Appeals or Disciplinary shall consult with the President in the proper wording of the decision letter, to insure proper form and appeals notice.

## **ORDER OF HEARING**

- Introduction of all parties
- Distribution of all written reports by witnesses and parties.
- Reading of the rules of the USSF and NDSA as to hearings (does not have to be oral as long as all parties have time to read the document).
- Statement by the accusing party
- Questions by the accused of the accusing party
- Witnesses (one at a time) on behalf of the accusing party
- Questions of each witness by the accusing party
- Statement by the accused person
- Questions by the accusing party of the accused
- Witnesses (one at a time) on behalf of the accused party
- Questions of each witness by the accusing party
- Final comments and statement by the accusing party
- Final comments and statement by the accused party
- Deliberations with all parties except for panel and assisting staff
- Results mailed the day after the hearing

### **North Dakota Soccer Association Conflict Resolution Policy and Procedures**

#### **Policy:**

It is the policy of the North Dakota Soccer Association (NDSA) to provide a formal means for the resolution of conflict within the organization and among its members. Association members are players, coaches, referees, and administrators who are registered with US Youth Soccer Association through NDSA. The Executive Director and the Conflict Resolution Committee will uphold the policies and procedures of the NDSA. The Executive Director will act as the Conflict Resolution Officer, or in their absence or in the event that the ED is the subject of a grievance, the president can appoint a representative to sit as the CRO.

#### **Purpose:**

To identify a procedure to resolve conflicts which arise involving players, coaches, referees, or administrators when such conflicts are in violation of state rules, involve disputes between local associations, where no conflict resolution or mediation process is available at the local level, or when the Conflict Resolution Committee grants a hearing. The Conflict Resolution excludes matters of discipline.

#### **Procedure:**

- A. Any member of the NDSA having a grievance which he/she is unable to satisfactorily resolve by direct communications with the involved party or parties should contact the next level of authority in the following order: appropriate member of the local association, President of the local association, local conflict resolution committee.



- B. If all local options have been exhausted and the situation has not been satisfactorily resolved, the individual may contact the Conflict Resolution Officer (CRO) who will attempt to mediate the dispute. A written grievance must be submitted to the CRO before any action is taken. A letter of the filed grievance, along with a copy of this policy, will be distributed to all parties involved and written rebuttals must be submitted within 10 days of notification. Once written documentation is received the CRO will mediate the dispute between parties involved. If the matter is successfully resolved, the CRO will file a report and a resolution as agreed upon with the State President. If the dispute is not successfully resolved, either party of the dispute may make a request for a hearing before the Conflict Resolution Committee.
- C. Members of the NDSA Conflict Resolution Committee shall be appointed by the President or Executive Vice President if the President is unable and shall include: The President or representative, one Vice President, one District Representative, and the Executive Director. The State Referee Administrator (SRA) may serve in an advisory capacity. Appointed members must not be directly involved in the situation. The CRO or representative will chair the meeting and will only vote to break a tie.
- D. A written request shall be submitted to the CRO within one week of the completion of the attempt to mediate by the CRO. The hearing will take place within one month of the request. The committee will reach a decision within 24 hours of the hearing and will notify the involved parties by mail or email as to the outcome. All decision will include mention of the right to appeal the decision to the United State Soccer Federation (USSF).
- E. Involved parties may bring witnesses to the hearing (up to 3 per side). If an individual feels he/she requires more than the allotted number of witnesses, he/she must have prior approval by the President or representative. Committee members are encouraged to solicit input from involved individuals as needed.
- F. One Committee member will be assigned as recorder to number evidence and take notes. Audio/visual recording is optional and is not accepted by US Youth Soccer Association unless transcribed.

## **North Dakota Soccer Association Board Position Descriptions**

### **President**

The President of the Association shall:

- J. Work with the board and communities to further NDSA's mission.
- K. Be the chief executive officer of the association
- L. Shall preside at all meetings.
- M. May pass upon all bills and claims against the corporation and may countersign all checks.
- N. May be an ex-officio member of all committees.
- O. Shall make all committee appointments, subject to Board approval.
- P. Shall be entitled to one (1) vote at any Board meeting, but only in the event a tie-breaking vote is needed.
- Q. Evaluate programs for effectiveness and put forward long-term strategic growth and sustainability plans.
- R. Act as a spokesperson to the larger community, speaking on behalf of the organization and advocating for the cause.
- S. Set high standards for board conduct and intervening if conflicts of interest or confidentiality issues arise.
- T. Crisis Management Spokesperson
- U. Schedule quarterly board meetings to be held throughout the year.
- V. Facilitate communication within the Executive Board.

### **Vice President**

The Vice President shall:

- W. Assist the President as requested.
- X. Facilitate communication within the Executive Board.
- Y. Plan, develop and enforce policies and objectives for the organization to ensure its values and meet established goals.
- Z. Attends quarterly Board meetings of the NDSA.
- AA. Attends Annual General Membership meeting of the NDSA.

### **Executive Board Member Positions**

The Executive Board will consist of President, Vice President, Secretary, and Finance Officer. The Vice President and then the remainder in order of their rank, shall succeed to the powers of the President in his/her absence and shall have such additional duties as designated by the President or the Board.

The Executive Board, and then the remainder Board Positions in order of their rank, shall success to the powers of the President in his/her absence and shall have such additional duties as designated by the President of the Board.

### **Order of succession:**

President, Vice President, Secretary, Finance Officer

### **Secretary**

The Secretary shall be responsible for keeping all correspondence of the Corporation and will keep all necessary records, including minutes of the meetings of the Board, AGM and SMM. General duties include:

- BB. Attends and takes notes for all quarterly Board meetings and any special meetings planned by the Board of the NDSA, submitting prior meeting minutes to the Board for approval.
- CC. Attends and takes notes for Annual General Membership Meeting, submitting prior AGM minutes to membership for approval.
- DD. Provides updated minutes to NDSA Executive Director in a timely manner, within 1 week following meeting.

### **Finance Officer**

- EE. The Finance Officer will have charge of the finances of the NDSA and will provide reports on the condition of the finances as requested by the NDSA. General duties include:
- FF. Shall have charge over all property of the Non-Profit Corporation.
- GG. Shall have charge over all finances of the Non-Profit Corporation. The Treasurer does not have signatory rights for NDSA or ODP Program Checking Accounts in order to provide additional internal audit controls.
- HH. Shall oversee reconciliation of the monthly bank accounts of NDSA and ODP Program.
- II. Attends quarterly Board meetings of the NDSA and prepares and presents year-to-date budget vs actual financial statements for the Board's review.
- JJ. Attends Annual General Membership meeting of the NDSA and prepares and presents a full report to the AGM concerning the financial transactions for the past year.
- KK. Presents a proposed annual budget for the upcoming year for approval by the membership at AGM.
- LL. Shall oversee the preparation and filing of quarterly payroll tax forms and the year-end W-2's and 1099's.
- MM. Shall oversee the preparation and filing of any necessary sales tax forms.
- NN. Shall oversee the completion of the annual Form 990 Non-Profit Tax Return.
- OO. Shall oversee the Updating and filing of Annual Corporate Report with the State of North Dakota for the NDSA.

**North Dakota Youth Soccer Association  
District Commissioner Position Description**

District Commissioners will provide communication between the local associations and leagues in his or her district and the state association and the state association and his or her local associations and leagues. District Commissioners will also perform those duties assigned from time to time by the Board or the President.

There are three directors for the Association:

**East Director:** Shall be a representative member clubs on the Eastern half of the State

**West Director:** Shall be a representative of member clubs on the Western half of the State

**At-Large Director:** Shall be a general representative of Member clubs throughout the State

Duties:

PP. Act as the liaison between the North Dakota Youth Soccer Association and the local affiliated organizations within the specified district

QQ. Communicate information from the NDSA to the local associations/clubs

RR. Communicate information from the local associations/clubs to NDSA.

SS. Attend quarterly board meetings of NDSA and prepares and presents a quarterly report the respective district

TT. Attend the NDSA Annual General Meeting and prepare and present a report from the respective district

UU. Able to sign player passes provided by local or state registrar, after personally viewing birth certificates to confirm dates of birth and names are correct

**North Dakota Soccer Association  
Code of Conduct Policy**

The primary function of the North Dakota Youth Soccer Association board of directors, its working committees, volunteers, and employees or contractors is to facilitate a youth soccer environment to educate athletes through participation and competition. All of these individuals should be aware they have an influence on the well-being of the players and the game.

Therefore, as a member of the NDSA governing group, volunteer, or staff/contractor, I resolve to conduct myself with dignity and respect as a member of the soccer community, recognizing and accepting that I will:

- a. Uphold the honor and integrity of the organization as an elected or appointed member of the board of directors whether voting or nonvoting, any working committees, volunteering, or any employee/contractor.
- b. Set an example of the highest ethical and moral conduct in all personal contact with players, referees, parents/guardians, spectators, and the general public.
- c. Take an active role in the promotion of good sportsmanship.
- d. Not seek an advantage by circumvention of the spirit or letter of the rules.
- e. Not exert an influence on any game officials or event officials.
- f. Do my best to make youth soccer fun, and remember it is a game for youth.

Responsibility for the enforcement of this code of conduct shall reside with the Board of Directors of the NDSA. The board will take whatever measures are necessary to enforce this Code of Conduct, up to and including the removal of an individual as a member of the Board of Directors, or any appointed volunteer, staff, or contractor position.

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Printer Name \_\_\_\_\_ Signature & Date \_\_\_\_\_

This form will be considered active and in force for the term of the office of the above named individual.

## **North Dakota Soccer Association Conflict of Interest Policy**

### **Introduction**

The North Dakota Youth Soccer Association, Inc., a non-profit corporation, develops, promotes, and administers the game of youth soccer in North Dakota for the benefit and development of all youth. To ensure that the business of the North Dakota Youth Soccer Association, Inc. is conducted ethically, in good faith, and with honesty and fairness, the North Dakota Youth Soccer Association adopts this policy on conflict of interest.

### **Definitions**

The following definitions apply to this policy:

1. "NDSA" means the North Dakota Youth Soccer Association, Inc.
2. "Person" means a member of the board of directors of NDSA.
3. "Conflict of interest"—
  - a. means any relationship, transaction, or arrangement that could influence, or be reasonably perceived as influencing, a Person's objectivity as a member of the Board of Directors, in an appointed position, or as an employee or consultant of NDSA in regard to matters involving NDSA that could result in any personal benefit, either directly or indirectly, financially or otherwise, to that Person, a member of that Person's family, a business partner or business associate of that Person, or a close personal associate of that Person; and
  - b. includes actual conflicts of interests, potential conflicts of interest.
1. "Compensation" means any form of remuneration other than reimbursement for expenses actually incurred.
2. "Disinterested" means an absence of a conflict of interest with respect to a matter.
3. "Party" means any individual or entity of any type.

### **Determination of Conflict of Interest**

While it is impossible to list in this policy every circumstance which may suggest a conflict of interest, the following criteria shall be used when deciding whether a particular situation may give rise to a conflict. A Person shall avoid any action that might result in or create a perceived conflict of interest of:

1. Any conflicting loyalty that may exist stemming from occupation, employer or other advocacy or interest group(s).
2. Membership on other boards or staffs.
3. Any personal interest or that of family/partner of any member's acting as an individual consumer of the NDSA services or whose family member is a consumer of services.
4. Financial or other interests or concerns of the board member's immediate family/partner that may be seen as competing or conflicting with the interests of the NDSA.
5. Information shared during NDSA board or committee meetings deliberations that would directly affect a member's affiliated club, family or personal interest.

Some leading examples of typical conflicts include:

1. Self-dealing or conducting of private business or personal services with the NDSA.
2. Accepting substantial benefits or gifts from vendors or others directly related to the NDSA
3. Using Association's property for private advantage.
4. Using confidential information of Association's donors or dealings.

5. Funding from Association of programs or through grants that would directly benefit a board member, or their business interests or family.

Decision-making Process when Conflict of Interest is Present When any such potential Conflict of Interest is relevant to a decision being considered by the Association's Board or any of the committees to which the member belongs, the following process shall occur:

1. The interested party shall call it to the attention of the organization.
2. Such a person shall not be allowed to vote on the matter.
3. In some cases the Board President can request and have a majority vote by the Board to determine if such a conflict exists, and if the person should leave the room and shall not participate in the final deliberation. However, prior to their exiting, the questions may be asked of her/him.
4. A contract or transaction shall be considered binding if the interest is disclosed and the Board approves, authorizes or ratifies the action in good faith by a majority of directors (not counting the interested board member) at a meeting where a quorum is present.

After this action, the official NDSA Minutes shall reflect that these requirements have been met.

#### Annual Board Member Disclosure

In the interest of maintaining the integrity of the Conflict of Interest Policy, each board member will annually provide a list of their potential conflicts of interest to the board chair at the end of the Association's Annual General Meeting or at the time in which the person is appointed to or elected to the board or any committees.

### Conflict of Interest Disclosure Form

I understand it is the policy of the North Dakota Youth Soccer Association (NDSA) that each board member, committee member, and employee or consultant will annually provide a list of their potential conflicts of interest to the board chair at the end of the Association's Annual General Meeting or at the time in which the person is appointed to or elected to the board or any committees.

Further, I have read the North Dakota Youth Soccer Association's Conflict of Interest Policy and I understand it is my obligation as a director, committee member, or paid employee or contractor, to promote the best interests of North Dakota Youth Soccer Association and to avoid conflicts of interest when making decisions and/or taking actions on behalf of NDSA.

In this disclosure form, I will list, to the best of my knowledge and belief, any possible conflict of interest which could arise in my responsibilities to NDSA. I will, should such a conflict arise, follow the guidelines of the current NDSA Conflict of Interest Policy.

---

SIGNATURE

DATE

1. Please list any organizations of which you are considered a member, which would be considered an affiliate member of NDSA.
  
2. Please list any business or organization in which either you or any member of your immediate family are an owner, officer, director, partner, member, employee, consultant, or have a financial interest in, which might be reasonably expected to have business dealings with NDSA in the coming year.
  
3. Have you or any immediate member of your family accepted gifts, gratuities, lodging, dining or entertainment in excess of \$50.00 per occasion that might reasonably appear to influence your judgment or actions concerning the business of NDSA? If yes, please provide details.



## North Dakota Youth Soccer Association Competitive Soccer Recruitment Policy

### **DEFINITION OF TERMS:**

- A.** **NDSA:** North Dakota Youth Soccer Association.
- B.** **Competitive team(s) and/or competitive organizations will follow these NDSA competitive policies and procedures.**
- C.** **Competitive Team Definition:** Team(s) formed to provide players with advanced skills and an expressed desire to experience a level of competition beyond that afforded by a recreational team.
- D.** **Competitive Team Formation:** Competitive teams can be formed in a number of ways. Here are the examples of how competitive teams are formed but are not limited to: the use of tryouts, invitations, recruiting or any similar process to roster players selectively to any team on the basis of talent or ability is used. This also includes but not limited to, forming a team to participate in the National Championship Series like State Cup, Regionals and Nationals.
- E.** **Soccer Year:** That period of time that begins on August 1 of a given year and ends on July 31 of the following year.
- F.** **Recruiting a Player:** includes contact in person, by telephone, fax, email, text message, social media such as (Facebook, twitter, etc..)and any third person or by any other means calculated or intended to establish individualized communication with a specific player, or by issuing to them an Invitation to Play.
- G.** **Rostering a Player:** To list a player on a team roster and submit that roster, along with the registration fee, to the NDSA Registrar.

### **GENERAL RULE:**

No team, coach, club, club program, club organization or other person acting on behalf of a team, club, club program, club organization or coach may contact a player or player's parent or guardian for the purpose of recruiting, soliciting, enticing, persuading or attempting to persuade a player to play on a particular club team or for a particular club or club program or to issue an invitation to play.

All Competitive club teams in North Dakota are the ones who have signed and agreed to follow the NDSA Competitive Soccer Player Recruitment Policy, NDSA Recruiting Player(s) Protocol Policy, and NDSA Guest Player(s) Policy.

#### **A. THE OPEN RECRUITMENT WINDOW:**

1. From July 1<sup>st</sup> through July 31<sup>st</sup> in a given year.
2. From August 1<sup>st</sup> of a given year through June 30<sup>th</sup>, all players who are rostered on one of the competitive club teams in NDSA cannot be recruited, unless you follow NDSA Recruiting Player(s) Protocol Policy.
3. All players who participate in one of the competitive club teams is binding them for the next soccer year to that particular club unless released by Club Director / Designated Club Director / Club President.

#### **B. SUBMISSION OF INFORMATION:**

Competitive team(s) and/or competitive organizations have the responsibility to contact the NDSA 1<sup>st</sup> VP of competitive soccer so NDSA can post this information onto the NDSA website each given soccer year regarding open tryouts/recruitment periods. All competitive organizations must have their recruitment window on file with the state office.

## North Dakota Soccer Association Competitive Soccer Recruiting of Players Policy

Before approaching a player(s) who is not in your club and/or the player's parents regarding an opportunity to play/roster or dual roster for a team, the Director of Coaching / Designated Club Director / Club President must be contacted prior and informed of the intent to contact the player and parents. The Club Director / Designated Club Director / Club President will contact the coach in charge of the

player's team to discuss the possibility of playing for the requesting club. The following protocol should be followed when asking players from non-competitive (recreational) teams to play for competitive club teams:

- A.** There will be no direct contact from a representative of a competitive club with individual players or parents of players from other programs.
- B.** Coaches and administrators will not allow their players or parents of their players to directly contact players or parents of players from other programs.
- C.** Team coaches wishing to add a player from another program must request said player through the Director of Coaching / Designated Club Director / Club President.
- D.** Provide the following information to the Director of Coaching / Designated Club Director / Club President.
  - 1. Player's name;
  - 2. Player's team and uniform number; and
  - 3. Coaches name and contact information.
- E.** Director of Coaching / Designated Club Director / Club President will make contact with the program's Director of Coaching / Designated Club Director / Club President in charge to receive contact information for the player's parents to begin discussions on rostering with current team.
- F.** Will not contact a player directly to discuss his/her play, style of play and/or potential recruitment.
- G.** Should a player initiate contact with you directly to play for the team, this same process should still be followed.
- H.** If there has not been a response back from the Director of Coaching / Designated Club Director / Club President within 3 days of request then the NDSA State DOC can get involved. If this cannot be resolved at the NDSA State DOC level then the next step would be to contact the NDSA 1<sup>st</sup> VP (competitive) chair. If the conflict cannot be resolved, then the NDSA Conflict Resolution Policy will be followed.

## **North Dakota Soccer Association Guest Player Policy**

Before approaching a player(s) who is not in your club and/or the player's parents regarding an opportunity to guest play or dual roster, the Director of Coaching / Designated Club Director / Club President must be contacted first. The Club Director / Designated Club Director / Club President has the right to grant or refuse the player request to guest play or dual roster.

Players or parents from your club should not directly contact players or parents of players from other clubs in regards to guest playing. Club Director / Designated Club Director / Club President to Club Director / Designated Club Director / Club President communication is the proper line of communication when asking for guest players from another club.

The use of guest players is permitted when that team is short of available players. Guest players are not to be used to replace currently rostered players.

Guest players may not be excused from their own team's activities without express approval from their coach.

Any conflict between teams regarding the sharing of players will be resolved by the Director of Coaching / Designated Club Director / Club President. Unless the conflict cannot be resolved then the NDSA Conflict Resolution Policy will be followed.

NDSA players may not play as a guest player with another team if the player's NDSA team is participating in any event at the same time, unless the two organizations have a mutual agreement.

**NOTE:**

- a. EXCEPTION: North Dakota ODP Events

## **NDSA Risk Management Policies & Procedures**

### **Responsibilities:**

#### **A. Local Club/Association President will:**

1. Designate a local Risk Manager (RM) and an alternate to serve as a liaison to the NDSA Risk Manager.
2. Ensure all affected individuals comply with this policy.
3. Ensure complaints of abuse are investigated and reported to the NDSA RM and/or President or Executive Director.
4. Work alongside NDSA staff to ensure all volunteers register yearly with Stack/Affinity and complete background checks every other year.

#### **B. Local Club/Association Risk Manager will:**

1. Serve as a liaison to the NDSA RM.
2. Ensure volunteers work with NDSA staff to register with Stack/Affinity each year, and complete a full background check every other year.
3. Assist in investigating complaints of abuse and report findings to their Club/Association President and the NDSA RM through the State Office.
4. Check North Dakota Sex Offender registry for all association volunteers.

#### **C. State Director of Risk Management will:**

1. Be selected by the State President and approved by the body at the AGM.
2. Keep the NDSA Board of Directors apprised of the progress of this policy.
3. Periodically review and update this policy, as needed.
4. Oversee generation of a list of names of individuals subject to a background check.
5. Select a committee of at least 2-3 to assist with reviews and disqualifications and to update policies and procedures to be approved by the NDSA BOD.
6. Provide a first step appeal to those who fail a background check or are disqualified.
  - a. The disqualified person will receive notice from the RM Chair-(email confirmed read receipt or certified letter USPS) to their right to appeal (NDSA Disciplinary and Appeals policy B.7).
  - b. Within 14 days, the disqualified person shall include, in writing, to the RM Chair (email confirmed read receipt or USPS certified letter) all pertinent information related to the incident in question, and/or letter of recommendation from the local association board member, and a written statement of appeal to the Risk Management Chair and committee for reconsideration of the disqualifying conviction.
  - c. The Risk Management committee will take under consideration the offense and restitution, the current circumstances and reasonable risk factors for NDSA players, and association membership. The RM Committee can resolve the issue without calling a hearing or the Chair can call for a hearing at which the disqualified person can present evidence, call witnesses and make a claim for reconsideration. The RM Committee will make a decision. The RM Chair will notify the person of the decision of the RMC within 10 days of receipt of the appeal letter.
  - d. Once the RM Chair has notified the volunteer of the RM Committees decision, the disqualified person may appeal to the NDSA Board of Directors within 10 Calendar days. The appeal hearing will be set by the President of the NDSA at either the next regularly scheduled BOD meeting OR at a special meeting once proper notice is given to the NDSA BOD. As part of the appeal, the NDSA may require materials to assist in their decision and those materials must be provided 10 days prior to the meeting date to allow NDSA BOD members to review them prior to the meeting. All NDSA Board of Directors present at the meeting may vote. A vote will be taken by the NDSA Board of Directors in a private session and the decision will be relayed in written form to the individual no later than 10 business days from the date of the meeting. The NDSA Board of Directors may rule in the following ways:

- i. Reinstate the Adult Applicant\*
- ii. Amend the initial decision reached by the NDSA Risk Management Committee\*
- iii. Uphold the initial decision reached by the NDSA Risk Management Committee\*

\*The NDSA Board of Directors determines the terms of reinstatements and the terms of disqualifications.

Recognizing that State Associations can differ greatly, U.S. Soccer has allowed each State Association to establish its own criteria for prevention of abuse based upon applicable laws in each state, each State Association's insurance program, and what each State Association believes is best for its membership. The USSF Appeals Committee does not review risk management decisions by Organization Members. USSF Policy 601-10 sets out the procedures for recognition of risk management actions and does not provide for an appeal of this type of disqualification to the USSF Appeals Committee.

This section only applies to individuals disqualified as described in *DISQUALIFICATION PROCEDURE (a)*.

Normal appeals process applies as described above. The determination by the legal court system will not necessarily imply that the same decision will be reached by the NDSA Board of Directors. Determinations by the court of 'Not Guilty', 'Dismissed', (or similar) will not automatically reinstate the individual for full participation within NDSA; an appeal hearing will still take place unless overruled by the NDSA Board of Directors.

**NDSA Office will:**

- A. Maintain a secure database of past current disclosure information.
- B. Provide support and assistance to all league associations/clubs to ensure that this policy is followed and that all volunteers register with Stack/Affinity each year.
- C. Perform functions as requested by the State Risk Management Coordinator Chair and follow up that Compliance deadlines are met, as addressed per NDSA rules.

**General Procedures:**

- A. Team and Program Staff, Coaches, Assistant Coaches, Team Managers and association positions that have consistent contact with the kids and whoever is on a "Roster" as a team representative to include ODP Administrators must register with Stack/Affinity every fall or when they begin coaching/representing in that calendar year. Each of these individuals may be subject to a background check. They will complete the appropriate paperwork through our RM site and clubs will be billed accordingly. Only after this has been completed and approved will they be put on the official roster and be able to work with players.
- B. Background checks will be run every other year on every position outlined in the first step under General Procedures. For any "new" coach or coach who moves from outside of North Dakota, a background check will be conducted.
- C. All information provided to NDSA through registration, potential complaints, investigations, or the background checks will be held confidential.
- D. A conviction for any of the following offenses shall be sufficient cause to permanently disqualify a person from service with NDSA. See Addendum A.
- E. Other offenses found on a criminal record check and not listed in Addendum A, will be reviewed by the NDSA RM and NDSA Executive Director and may result in suspension and/or disqualification from service.
- F. Individuals appearing on a county or state sexual offender registry shall be permanently disqualified from service with NDSA and their name forwarded to the USYS "DARM" list.
- G. Where an individual is disqualified from service with NDSA, the NDSA RM will notify the individual and local affiliate president in writing

- H. Anyone disqualified from service has the ability to appeal the decision per NDSA the above listed appeals policy (3f).

**Background Checks:**

- A. Background checks will be conducted:
  - 1. Every other year on all Team and Program Staff, Coaches, Assistant Coaches, Team Managers and association positions that have consistent contact with the kids and whoever is on a "Roster" as a team representative to include ODP Administrators.
  - 2. A complaint is substantiated as noted in this policy under Abuse Complaint Procedures
- B. Background checks will include a national criminal record check from various databases using our approved company.

**Abuse Complaint Procedures:**

- A. Complaints are to be reported to the local Club/Association President and/or RM. A background check will be conducted if not done in the last 12 months as noted in this policy under Background Checks. If complaints are substantiated, the local club/affiliate will convene a hearing conducted in accordance with their bylaws, rules and policies.
- B. If the action of the local club/affiliate is to disqualify as a result of the hearing, the charged individual will be notified of his/her right to appeal the decision to the State Association.
- C. If an abuse charge is formally lodged against a volunteer or staff person with the Police, the said individual will be suspended until the case is resolved (US Youth Soccer Bylaw 252). At this point, the NDSA RM must inform the individual of their status and rights, in writing.

**Failure to Comply:**

If anyone wishing to be on the team roster refuses to provide information for the NDSA background check, they will not be put on any state roster.

**Other discoveries made during background checks that should factor in consideration for disqualifying convictions shall include:**

- VV. Number and nature of the offense
- WW. Age of the offense
- XX. Sentence
- YY. Age of the offender at the time of the offense
- ZZ. Rehabilitative achievements of the offender which indicate that the behavior is unlikely to reoccur.

**Addendum A**

**Disqualifying Convictions**

The North Dakota Youth Soccer Association (NDSA) and its Associations shall not knowingly permit any person convicted of any of the crimes listed below within the last 10 years to become or remain in any position for the organization. NDSA requires annual background checks of its Adults having regular contact with players or those that have access to personal information about players. If the NDSA background check reveals convictions of any of these crimes within the past 10 years from the date of application, the person's application shall be rejected or she/he will be dismissed from any position she/he holds in the organization. Any convictions occurring more than 10 years ago may be considered by NDSA State Risk Management Chair and Committee in determining the applicant's suitability for the position, but may not automatically disqualify the applicant.

**Convictions** of the following or similar crimes mean that an individual will not be allowed to be a Coach, referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document).

**Arrests** of the following or similar crimes mean that an individual will not be allowed to be a Coach, referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document) until the action has been resolved in court (whether trial, plea agreement, charges dropped, etc.). After it has been resolved each case shall be individually looked at and a decision made by the RM Committee.

A Sex Crime as described in NDCC **Need to update the chapters in the century code**

- A. Rape as set forth in § 22-22-1
- B. Human Trafficking as set forth in § 22-49-1
- C. Felony sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult;\ Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2
- D. Incest if committed by an adult
- E. Possessing, manufacturing, or distributing child pornography as set forth in § 22-24A-3
- F. Sale of child pornography as set forth in § 22-24A-1
- G. Sexual exploitation of a minor as set forth in § 22-22-24.3
- H. Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor
- I. Promotion of prostitution of a minor as set forth in subdivision 22-23-2(2) Criminal pedophilia as previously set forth in § 22-22-30.1
- J. Felony indecent exposure as previously set forth in former § 22-24-1 or felony indecent exposure as set forth in § 22-24-1.2
- K. Solicitation of a minor as set forth in § 22-24A-5
- L. Felony indecent exposure as set forth in § 22-24-1.3
- M. Bestiality as set forth in § 22-22-42
- N. An attempt to commit any of the crimes listed in this section or any conspiracy or solicitation to commit any of the crimes listed in this section
- O. Any crime committed in a place other than this state which would constitute a sex crime under this section if committed in this state
- P. Any federal crime or court martial offense that would constitute a sex crime under federal law
- Q. Any crime committed in another state if that state also requires that anyone convicted of that crime register as a sex offender in that state
- R. If the victim is a minor
- S. Murder
- T. Child Abuse

The North Dakota Soccer Association (NDSA) and its Associations shall not knowingly permit any person convicted of any of the crimes listed below within the last 10 years to become or remain in any position for the organization. NDSA requires annual background checks of its Adults having regular contact with players or those that have access to personal information about players. If the NDSA background check reveals convictions of any of these crimes within the past 10 years from the date of application, the person's application shall be rejected or she/he will be dismissed from any position she/he holds in the organization. Any convictions occurring more than 10 years ago may be considered by NDSA State Risk Management Chair and Committee in determining the applicant's suitability for the position, but may not automatically disqualify the applicant.

**Convictions** of the following or similar crimes mean that an individual may not be allowed to be a Coach referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document)

**Arrests** of the following or similar crimes mean that an individual will not be allowed to be a Coach, referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document) until the action has been resolved in court (whether trial, plea agreement, charges dropped, etc.). After it has been resolved each case shall be individually looked at and a decision made by the RM Committee

- A. Any Crime against a Minor
- B. Child Neglect
- C. Manslaughter
- D. Kidnapping
- E. Manufacture / Distribution of a Controlled Substance
- F. Manufacture / Distribution of Marijuana

The North Dakota Soccer Association (NDSA) and its Associations shall not knowingly permit any person convicted of any of the crimes listed below within the last 2 years to become or remain in any position for the organization. NDSA requires annual background checks of its Adults having regular contact with players or those that have access to personal information about players. If the NDSA background check reveals convictions of any of these crimes within the past 2 years from the date of application, the person's application shall be rejected or she/he will be dismissed from any position she/he holds in the organization. Any convictions occurring more than 2 years ago may be considered by NDSA State Risk Management Chair and Committee in determining the applicant's suitability for the position but may not automatically disqualify the applicant.

**Convictions** of the following or similar crimes mean that an individual may not be allowed to be a Coach referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document)

**Arrests** of the following or similar crimes mean that an individual will not be allowed to be a Coach, referee, tournament officials/staff, independent contractor, assistant coach and any other volunteer who is expected to have regular contact with you players, within NDSA and its Associations as stated in the Player/Adult protection Guidelines (Included in this document) until the action has been resolved in court (whether trial, plea agreement, charges dropped, etc.). After it has been resolved each case shall be individually looked at and a decision made by the RM Committee.

- A. Domestic Violence
- B. Contributing to the Delinquency of a Minor
- C. Felony DUI
- D. Violation of a Protection Order
- E. Possession of Controlled Substance
- F. Felony Embezzlement
- G. Felony Theft
- H. Indecent Exposure
- I. Simple Assault
- J. Felony Assault
- K. Stalking



**North Dakota Soccer Association  
Use of NDSA Membership Information Policy**

**DATABASE**

When considering a request for our membership database (players, coaches, administrators), the following guidelines are followed?

- A. The request **MUST** be made in writing and the mailing piece **MUST** accompany the request. When a request comes directly to the State Association, the requester **MUST** complete a List Request Form.
- B. The request **MUST** present a soccer-related opportunity for our players, coaches or administrators, or to the parents of our players. These may include offers such as product catalogs, player camps, and fundraising opportunities.
- C. If a list request is approved and the organization is not a member of the State Association, the list will be released **ONLY** to a bonded mailing house.
- D. All requests are considered **ONE TIME USE ONLY** unless otherwise negotiated. In all cases the leased database must be destroyed after use.
- E. Members may request the coach's database to advertise tournaments.
- F. The database will be used by the State Association for internal use such as State sponsored tournaments, programs, camps, clinics and special offers.
- G. The database will be released to the United State Soccer Federation, US Youth Soccer and the United States Adult Soccer Association as per their membership rules and policies.
- H. The database may also be released to a sponsor as per the sponsoring contract. While sponsors seldom ask for lists, the State still requires that they follow list request procedures.

**ROSTERS**

The information on rosters is sensitive information about youth soccer players. All clubs, coaches, teams and team coordinators/parents are asked to establish a chain of custody with rosters so they do not end up in the wrong hands.

The following restrictions apply to rosters:

- A. Rosters submitted to state sanctioned tournaments may be used **ONLY** for tournament related business – checking players and state approvals. They should be destroyed after the event.
- B. The use of rosters by member or non-member organizations (with the exception of #4 below) for recruiting and tryout purposes is strictly prohibited.
- C. Team rosters should be distributed **ONLY** to coaches and/or team coordinators. Coaches and coordinators must use discretion in releasing any selected information.
- D. The State Association will release rosters to club/league registrars, team coaches, and coordinators, and college coaches who are recruiting for their respective college programs.

**EMAIL ADDRESSES**

The State Association collects and uses email addresses to provide easy and quick communications with and among the following groups: parents, players, presidents, registrars, coaches, director of coaching and referees, risk management coordinators and other club administrators. These email groups are asked and have the ability to opt out of e-news issue. During the registration process, members are asked by US Youth Soccer to provide email addresses. The State Association does not use these addresses unless they are part of the aforementioned groups. US Youth Soccer will use these email addresses for internal purposes only.

The following wording will be required on all paper and online registration forms in regards to the use of the email addresses given on all player registrations:

**By signing this form, I agree that any email address I provide may be used by the Local and State Soccer Association, US Youth Soccer and any of their assigns to provide me with information about their programs and sponsors. To opt out, check here [ ].**

**PHOTO USAGE**

The following wording will be required on all paper and online registration forms in regards to the use of photos that maybe taken during our state soccer events:

**By signing this form, I agree and consent that both NDSA and its member associations have my permission to use any image, photograph, video clip, or other similar image, in any media format, of either myself or my child, provided (1) the image is taken while I am, (or my child is) a player or participant in one of the various activities, events, and competitions sponsored by NDSA or its member associations or as otherwise allowed by law, and (2) the image is used for one or more of the following purposes: media coverage of soccer activities, NDSA Website use, NDSA promotional materials, program books, video presentations and for similar purposes related to the activities of NDSA or its member associations. I further release both NDSA and its member associations from any liability for any adverse results which may result from the use of the above named photograph(s) or media images in the manner described. To opt out, check here [ ].**

