

How to Properly Run a Disciplinary Hearing

January 9, 2016





The Notice Letter - Requirements per Bylaw 701

Notice



- Procedural Requirements per Bylaw 701
 - Notice of specific charges and possible consequences in writing
 - Reasonable time between receipt of charges and the hearing
- Who is being charged/accused?
- What are the charges?
- If the charges are found to be true, what are the possible consequences?
- When and where will the hearing take place?

Notice



- What procedural rules will apply at the hearing?
- May want to send a copy of substantive and procedural rules to the accused
- Notify the accused of the witnesses
- Notice letter should be tracked (UPS, Certified Mail or facsimile)
- Provide written evidence in advance of the hearing if available
- Give one opportunity to reschedule the hearing before the hearing takes place



The Hearing - Procedural Requirements per Bylaw 701

Hearing



- Hearing panel must be disinterested and impartial
- The accused may be assisted (Policy 701-1)
- The accused may call witnesses and present evidence
- The accused has the right to confront witness and have the names of witnesses in advance
- The accused has the right to have a record made of the hearing

Hearing - Introduction



- Announce Case
- Introduce Chair, panel, parties, witnesses, others
- Inquire about any conflicts or objection to panel members
- Note and/or resolve conflicts
- Review procedures to be followed: Organization Member Rules, USSF Bylaw 701, order of hearing
- Inquire about any objections or questions concerning rules and procedures to be followed
- Note and/or resolve objections and questions
- Excuse witnesses

The Hearing – Evidence



- Introduce written evidence as submitted
- Ask for any additional evidence, if allowed
- Inquire about any objections or questions concerning evidence.
 - Note and/or resolve any objections or questions concerning evidence Opportunity for accused to present defense
- Opening Statements
 - Allow each party the same amount of time
- Case Presentation
 - Case presented, including review of evidence and witnesses

Hearing – Evidence



- Defense Presentation
 - Defense presented, including review of witness and evidence
- Questions from Panel
 - Members may ask questions of parties and or recall witnesses
- Closing Statements
 - Allow each party the same amount of time
- Adjourn Hearing
 - After closing statements review how and when decision will be announced/ distributed
 - All except the hearing panel excused

Hearing - Deliberations



- Use only evidence from the hearing
- Charges should be only those in the notice
- Review each point by both sides
- Resolve all charges
- Penalties, if needed, should be no greater than in the notice
- Refer any new disciplinary matters to the appropriate authority



The Decision - Requirements per Bylaw 701

Decision



- Procedural Requirements per Bylaw 701
 - Written decision
 - Decision must be based solely on the evidence of record
 - Decision must be issued in a timely fashion
- The reasons for the decision must be included
- The written decision should include specific factual findings of the panel
- Conclusory statements of guilt are insufficient
- Make sure that the decision contains information regarding the opportunity to appeal