

# **WEVA Due Process And Appeals**

## Article I. PURPOSE:

Section 1.01 The concept of due process involves the right of the accused respondent to confront his/her complainants, to present their side of the story, to receive fair consideration; and have the opportunity to have the region's decision reconsidered by a higher and perhaps more objective body.

Section 1.02 The Western Empire Region-USA Volleyball, is committed to providing a procedure which affords any individual or team, that is accused of acting inappropriately within the region an opportunity to appeal any sanction or penalty before it is imposed.

Section 1.03 There is generally three basic types of incidents causing complaints or accusations:

- 03a) Those requiring immediate action (before and without a hearing): these generally involve considerations of safety (child Abuse, violence, significant property destruction). A hearing should follow such actions as soon as possible.
- 03b) Those requiring prompt action (sooner than the next board meeting); these generally involve such considerations as improper uniforms, food or beverages in gyms, and grossly unsportsmanlike conduct.
- 03c) Those that can wait until the next Board or appropriate committee meeting.

Section 1.04 In order to address these various types of complaints / allegations and to reduce the time of delay required in responding, the following procedure is the adopted policy of the Western Empire Region.

## Article II. PROCEDURES:

Section 2.01 A disciplinary action shall be based on a violation of any of the following:

- 01a) Ethics: See the Code of Ethics found in the USA Volleyball All Regional Volleyball Association Impact Manual.
- 01b) Code of Conduct: See Code of Conduct noted on side two of the WEVA membership form.
- 01c) Eligibility Rules: See USA Volleyball Guide.
- 01d) Substance Abuse Policy: See USA Volleyball Guide.
- 01e) Actions pertaining to volleyball which are believed NOT in the best interest of the sport, the Region, or its members.

Section 2.02 A disciplinary action shall apply to all members of the region, including officials, coaches, teams, or any person participating or attending a USAV function.

Section 2.03 A complaint or allegation regarding a violation of any of the above shall be submitted in writing to the WEVA Region Commissioner. The Commissioner will make a record of the receipt of the complaint and forward it to the Ethics and Eligibility chairperson. A copy of the complaint will be sent to all board members for their information only.

Section 2.04 A complaint or notice of allegation should include the following:

- 04a) Summary of the accusation or allegations.
- 04b) Specific facts detailing the allegations or accusations of the complaint with specific details as to the time and place of the occurrence.
- 04c) The names of all witnesses, and where possible, their addresses and statements accompanying the complaint or allegation as to the facts they are able to attest to.

Section 2.05 The Ethics and Eligibility Chair shall notify the other members of the Committee.

Section 2.06 The Chair shall ascertain whether the complaint or accusation requires immediate action, prompt action, or is one that may wait to the next board meeting, and classify the same. Thereafter, the Chair shall initiate an investigation to verify the allegations and facts stated in the complaint. Such investigation shall be done expeditiously and handled in a timely manner, but no later than twenty (20) days from the receipt of the complaint or allegation. The Chair may, after investigation, reclassify the incident based on the facts surrounding the complaint or accusation.

Section 2.07 The WEVA Region Ethics and Eligibility Committee shall be comprised of the following:

- 07a) The Board Vice President will preside as chairman.
- 07b) Two (2) Junior affiliated persons (16 or older); one (1) male and one (1) female if the issue is junior related.
- 07c) Eight (8) other adults (18 or older), not currently elected to the board of directors.
- 07d) A quorum for the committee to take action will be a minimum of four (4) votes.
- 07e) An impartial facilitator may be added if necessitated.

Section 2.08 The Committee shall be responsible for fact finding when and where necessary. The Committee may accept statements from witnesses, obtain evidence, and take what necessary steps it deems appropriate to confirm and verify the allegations set forth in the complaint

Section 2.09 Once the Committee determines the validity and veracity of the complaint and confirms a violation has occurred, a written copy of the complaint shall be forwarded by certified mail, return receipt requested, to the respondent, at their last known address, as noted in the regions records. Such notice / complaint shall include:

- 09a) A statement that the individual has a right to respond accompanied by an explanation of how that person may respond.
- 09b) Description of any sanctions, if any.
- 09c) Date, time, and description of any scheduled hearing or conference.
- 09d) Statement that a penalty or sanction may be imposed as a result of the hearing.

Section 2.10 The committee's notice shall direct the respondent to provide a written response within twenty (20) days of receipt of the complaint. Such response should provide statements of witnesses and/or the names, addresses and phone numbers of witnesses intended to be called by the accused, and who have personal knowledge of the incidents/facts alleged or which comprise the complaint. A summary of the witnesses' knowledge shall accompany the complaint.

Section 2.11 Failure on the part of the respondent to acknowledge the complaint is a basis for the Committee to meet and determine what action should be taken regarding the complaint.

Section 2.12 If the respondent provides a written response, the Committee shall set a hearing date to allow the person the opportunity to appeal and refute the allegations. The respondent may provide evidence and witnesses or testimony at the time set for hearing to respond to the allegations.

Section 2.13 In conducting a hearing, common sense shall prevail. Each such hearing essentially will have four parts:

- 13a) Presentation of allegation(s) and evidence in support of the claim(s).
- 13b) Response, defense, or counter-argument of respondent.
- 13c) Opportunity for respondent to confront claimant.
- 13d) Render a finding and, if appropriate, including any sanctions.

Section 2.14 If it is confirmed that there is sufficient information to render a decision as to the allegations set forth in the complaint, the Committee will render one of the following:

- 14a) No Action: The Committee may elect to take no action on the matter.
- 14b) Probation: The Committee may determine a period of probation.
- 14c) Reprimand: The Committee may issue a reprimand and additional sanctions
- 14d) Suspension: The Committee may initiate suspension from involvement with any USAV/WEVA volleyball-associated business within the region, for a specified period of time.

*(NOTE) Such sanctions as adopted by the Board will be shown in each year's updated Handbook.*

- Section 2.15 The Committee is empowered to apply sanctions it deems appropriate. The determination by the Committee shall be binding on the respondent.
- Section 2.16 The Committee shall render its decision to the Executive Board at the next scheduled meeting. A copy shall be submitted to the Region Commissioner and a file maintained as to the complaint and decision of the Ethics and Eligibility Committee.
- Section 2.17 Any member disciplined for a violation of Section 2.01 will be provided notice of the Committee's findings, decision and a letter clearly outlining the appeal process.

### Article III. APPEAL PROCEDURE:

- Section 3.01 If a member is disciplined by the Ethics and Eligibility Committee, the member shall have the right to appeal the decision to the Commissioner and a quorum of the Executive Board.
- Section 3.02 Notice of appeal shall be in writing, addressed to the Commissioner and mailed to the Regional Office.
- Section 3.03 The disciplined member may have the opportunity to address the Commissioner and the Board, to provide any further evidence supporting his position and appeal at the next scheduled regional board meeting, unless another date is agreed on by the disciplined member.
- Section 3.04 The decision of the Committee and sanctions shall be binding pending the appeal.
- Section 3.05 The Board shall hear the appeal and render its decision within fourteen (14) days, after review, with copies to the member.
- Section 3.06 The Board's decision shall remain a permanent record of the Region.
- Section 3.07 If the Commissioner and Board deem it appropriate, a copy of the complaint, findings, sanctions, and any appeal decision may be submitted to the National Office of USA Volleyball.
- Section 3.08 Any further appeal of the Region's decision shall be in accordance with the USA Volleyball Official Guide.

## Article IV. CODE OF CONDUCT / SANCTIONS:

*(as recited in the RVA handbook / USAV Membership Form / All Regional Volleyball Association Impact Manual / USA Rule book and Guide)*

Section 4.01 All Participants / Persons Affiliated: Every person affiliated with USA Volleyball must sign the Code of Conduct Form found on the back of the Regional Membership Form at the time of registration in order to participate in any USA Volleyball-affiliated function. The Code of Conduct contains information on the maximum penalties for violations, unless otherwise directed by the Region board. The following are specific items that will be enforced in the WEVA Region (this list is not all-inclusive):

01a) Profanity:

- (i) Any person affiliated with a team who directs a profane remark or gesture toward an official, coach or player on the court, regardless of which team, which remark or gesture is obvious enough that it is heard or seen by any official (first or second referee) will be automatically expelled from the game by the first referee.
- (ii) A second similar offense occurring the same day as the first expulsion will result in the person being disqualified and expelled from the tournament. Any further incidents shall be subject to review, for further action by the WEVA Ethics and Eligibility Committee. If the offending person is a spectator, that person will be warned and or asked to leave by the official.

01b) Assault:

- (i) Any person attending a USAV function who physically assaults anyone at any WEVA USAV sanctioned event SHALL BE subject to immediate suspension and expulsion from membership in the Region and any further participation in any USAV event or tournament in the Region for the rest of the season. If the person is a spectator, the first referee shall report the incident to the day official, who shall immediately seek security/police assistance and assist the victim in initiating charges against the perpetrator.
- (ii) The incident shall further be reported to the WEVA Commissioner and a copy forwarded to the USAV National office. Any person who is suspended or expelled from the region as a result of two or more assaults over a career, shall be banned from Regional membership and participation in any WEVA sponsored event.

01c) Drug / Alcohol Use:

- (i) Any person attending a WEVA Region / USA Volleyball function found to be in the possession, use or sale of any alcohol or controlled substance or illegal drug, or contributing to the use, possession or sale of such alcohol, controlled substance, or illegal drug to a minor, shall be removed from participation and attendance of the function or tournament, and removed from the school building, gymnasium or facility housing the function or tournament. In addition, if the person is a player, coach, official, or otherwise a participant, he or she shall also be suspended immediately by the day official and a report issued to the Regional Commissioner, and the disciplinary process shall proceed as noted above.
- (ii) During the investigation period, the accused perpetrator shall remain suspended from all Regional or USA Volleyball sanctioned events.
- (iii) Disciplinary action for use, possession or sale of any alcohol or other banned substances shall be in accord with the USAV Drug Policy Program.

01d) Unsportsmanlike Conduct:

- (i) Any individual who commits an act or acts which the Referee, Tournament Director, Commissioner, or Ethics and Eligibility Committee determines to be grossly unsportsmanlike may be subject to disciplinary action and sanctions. Such sanctions and or penalties may include, immediate suspension and expulsion, suspension and loss of membership for one year or more, fines, or such other sanctions and penalties the Ethics and Eligibility Committee deems appropriate.
- (ii) Gross unsportsmanlike conduct shall include physical or verbal intimidation of any participant, coach or official; damage to facilities or breach of the facilities rules and regulations; use of an unregistered or improperly registered player; use of a recognized identification card of anyone other than the individual described in the card; theft or misappropriation of another player, coaches, participant's, or facilities belongings; theft or misappropriation of another teams equipment.
- (iii) Such gross unsportsmanlike conduct as sexual harassment or physical or sexual abuse may result in lifetime suspension from WEVA region membership and participation.

**Article V. APPLICATION:**

Section 5.01 The disciplinary policy and procedures for the WEVA Region shall apply from the point of registration through the last sanctioned event which the team or individual participates.

Section 5.02 The disciplinary policy and procedures for the WEVA Region are applicable to all participants (players and coaches), teams, team and club representatives, and all persons who are affiliated with a club, all members of WEVA.

**Article VI. WEVA REGION USA VOLLEYBALL COACHES CODE OF ETHICS:**

Section 6.01 The WEVA Coaches Code of Ethics will be written as in the ALL REGIONAL VOLLEYBALL ASSOCIATION IMPACT MANUAL (under Impact RVA Coaching Code of Ethics and Junior Coaches Code of Ethics) and with the addition of the following statement: All junior teams must be supervised by an adult (minimum 21 years of age) at all times.