

# BADGER REGION/USA VOLLEYBALL

## DUE PROCESS GUIDELINES

*Effective 7/1/96*

**AUTHORITY:** In accordance with Article IX, Section 3(a) of the Badger region By-Laws, the Ethics & Eligibility Committee is charged with the primary responsibility of judicial consideration relating to: (1) Violations of the USAV Participant code of Conduct and Substance Abuse Policy; (2) All Club, Team and Individual eligibility matters; and (3) Any other matter of ethics pertaining to participation in Corporation events.

**ACCOUNTABILITY:** The Ethics & eligibility Committee shall report directly to the Board of Directors.

## PROCESS OF ADJUDICATION

### I. VIOLATIONS

All violations, general and specific, committed by registered members, which are related to actions on behalf of the Corporation and/or an administrator, shall be categorized according the following schedule:

#### A. CATEGORY I VIOLATIONS

Minor incidents for which an automatic penalty, fine or sanction may be imposed. Examples include, but are not limited to: (1) Failure to show at a tournament; (2) Failure to complete officiating duties at a tournament; or (3) Improper uniforms.

#### B. CATEGORY II VIOLATIONS

Incidents involving misconduct. Examples include, but are not limited to: (1) Improper recruiting (undue pressure, false promises, post-commitment recruiting, undermining another club, team or coach); (2) Competing for more than one sponsoring organization; or (3) Failure to fulfill the terms of a previous sanction.

#### C. CATEGORY III VIOLATIONS

Incidents involving serious misconduct, which may, or may not, require immediate action, before and without hearing. Examples include, but are not limited to: (1) Possession and/or use of alcohol by a junior member; (2) Intentional damage to property, including facilities, equipment, and vehicles; or (3) Theft of property.

#### D. CATEGORY IV VIOLATIONS

Incidents involving behavior which jeopardizes the safety of any individual, requiring immediate action, before and without hearing. Examples include, but are not limited to: (1) Sexual misconduct, or other inappropriate conduct, with a Junior; (2) Violence or threatening behavior; or (3) Actions which seriously undermine or threaten a player (including oneself), club, team, coach, official, or the Badger Region.

Circumstances not specifically identified shall constitute a violation should those actions be considered detrimental to the sport of volleyball, and/or which do not embrace generally accepted standards of moral and ethical conduct.

### II. DISCIPLINARY ACTIONS

Individuals, groups of individuals or organizations which violate the terms of membership in the Badger Region shall be subject to one or more of the following disciplinary actions, consistent with the USA Volleyball Participant Code of Conduct:

**A. FINANCIAL PENALTY**

Assessment of a specific monetary penalty.

**B. PROBATION**

A warning that further violation of the rules may result in suspension.

**C. SUSPENSION**

Removal of eligibility for participation in sanctioned events for a period not to exceed twelve (12) months.

**D. EXPULSION**

Removal of eligibility for a period of more than twelve (12) months.

**III. FIRST LEVEL OF ADJUDICATION**

**A. RECEIPT OF AN ACCUSATION**

The occurrence of an incident must precipitate an accusation. Any club, team or individual which is a member of this Corporation, or which is eligible for membership in this Corporation, may seek a redress of any volleyball related grievance that directly affects it, him or her, by filing a written complaint with this Corporation (Refer to the Badger Region Grievance Procedure). In cases of serious misconduct (Category III), or when the safety of an individual is at risk (Category IV), notification may initially be given verbally to the Commissioner, an Ethics & Eligibility Committee member, a board member, or an authorized representative of the Badger Region (i.e. Regional Tournament Director, Chair of the Officials Division, Director of Junior Player Development).

Within ten (10) days of the receipt of an accusation, the accused shall be sent, by registered mail, written notification of the allegation(s) made against him or her. Said notice shall include:

1. A complete list of the charges/accusations;
2. A description of any temporary sanction imposed;
3. A statement that the accused has a right to respond in writing, including the required timeframe;
4. The date, time and location for hearing before a review panel;
5. The names of the individuals who will compose the review panel;
6. A description of possible sanctions; and
7. Complete disclosure of the right to appeal.

Initial notification to the accused may be done verbally in order to impose a temporary sanction. However, the oral notice must be immediately followed up in writing and sent by registered mail.

**B. INITIAL HEARING**

The hearing shall be structured in such a way as that the Review Panel has an opportunity to be presented with all sides of the controversy. The hearing shall include direct testimony, written or verbal, by those directly involved.

**1. REVIEW PANEL**

The Review Panel shall be comprised of the standing members of the Ethics & Eligibility Committee. The Committee may, at its discretion, appoint two (2) additional individuals (Regular Members) to a specific hearing in order to afford the involved parties the consideration of peer review.

**2. RIGHTS OF THE ACCUSED**

The accused shall be afforded the opportunity, prior to and/or during the hearing, to review any written complaints, or other papers, that will be provided to the Review Panel. The accused shall also be

given the opportunity to confront their accuser(s) through direct inquiry. In specific instances, however the right to a hostile cross examination may be determined to be inappropriate (i.e. sexual abuse of a minor). In such cases, confrontation shall mean the right of the Chair of the Review Panel to ask a question of the witness on behalf of the accused.

### **C. NOTICE OF OUTCOME**

The accused shall be notified of the Review Panel's findings and decision, in writing, by registered mail, and in a timely manner. Their conclusion shall be by a two-thirds majority vote of the individuals serving, taken outside the presence of the accused. Where disciplinary action is imposed, the notice of sanction shall include:

1. A summary of the charges/accusations;
2. A description of the sanction(s) imposed, including the term(s) of effect;
3. A statement of the authority for said discipline; and
4. Complete disclosure of the right to appeal.

Initial notification to the accused may be given verbally, however, the oral notice must be immediately followed up in writing, by registered mail.

All parties initially involved shall also be notified in writing as to the outcome of the hearing.

An official report of the proceedings, and the Review Panel's findings and decision, must also be filed with the corporation.

## **IV. APPEAL PROCESS**

Pursuant to Article V, Section 4(b) of the Badger Region By-Laws, an appeal of any sanctioned imposed may be requested of the Regional Commissioner or his designate. The individual(s) appealing must notify the Commissioner, or his designate, in writing of their request for hearing, no later than 30 (thirty) days from the receipt of a Notice of Sanction. The request must e filed by Certified Mail, return receipt requested. Failure to file the request in the prescribed manner will result in forfeiture of the right to appeal.

### **A. APPEALS HEARING**

A hearing will be called upon receipt of a request from an appellant who may be appealing either a decision or a process. The appeals hearing is not required to be a *de novo* proceeding, unless a full hearing was not held at the first level of decision (i.e., Category I Violation). The appeals Panel will be restricted to the reason for the appeal and may call such witnesses as it deems necessary to make a ruling.

#### **1. NOTIFICATION OF HEARING**

Within ten (10) days of the receipt of a request for appeal, the appellant shall be sent, by registered mail, written notification of the scheduled hearing, and shall include:

1. A complete list of the charges/accusations;
2. A description of the assessed penalty being appealed;
3. The date, time and location for hearing before an appeals panel;
4. The names of the individuals who will compose the appeals panel; and
5. A statement that the decision of the Appeals Panel shall be final and not subject to further review.

**2. APPEALS PANEL**

The Appeals Panel shall be comprised of the current board of Directors, excluding any member who has served at the first level of adjudication.

**B. NOTICE OF OUTCOME**

The appellant shall be notified of the Appeals Panel's findings and decision, in writing, by registered mail, and in a timely manner. Their conclusion shall be by a two-thirds majority vote of the individuals serving, taken outside the presence of the appellant. The notice of outcome shall include:

1. A summary of the charges/accusations;
2. A description of the sanction(s) imposed and upheld, including the term(s) of effect;
3. A statement of authority for said discipline; and
4. A statement that the decision of the Appeals Panel shall be final and not subject to further review.

Initial notification to the appellant may be given verbally; however, the oral notice must be immediately followed up on writing, by registered mail.

All parties initially involved shall also be notified in writing as to the outcome of the hearing.

An official report of the proceedings, and the Appeals Panel's findings and decision, must also be filed with the Corporation.

**V. EXCEPTIONAL APPEALS**

In accordance with Article XI, Section C (1) of the USA Volleyball Operating Code, all Member Organizations shall have the sole and ultimate authority and responsibility to adjudicate and assess discipline for all matters of ethics and eligibility within their jurisdiction. Regional Volleyball Associations shall be the final authority in these matters and are not bound by the policies of the (USAV) Corporation championships, programs and/or other activities but barred from doing so by a Member Organization may petition the (USAV) Corporation's Ethics & Eligibility Committee. Review of such matters shall be limited to a determination of whether or not the Member Organization disciplining the petitioning party, or denying such party eligibility, has provided due process to the petitioning party, including a reasonable appeal opportunity in reaching its determination. Such review shall not be a determination of what actions or omissions occurred or an independent determination of the appropriate discipline therefore.