

WEVA

Due Process

and Appeals

Preamble:

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.

Due process is available to all members of the Region, including officials, coaches, teams, or any person participating or attending a USAV function.

The Western Empire Volleyball Association (heretofore referred to as "WEVA") is a Region of USA Volleyball. WEVA is committed to providing a procedure which allows both the alleged victim as well as the alleged perpetrator of inappropriate actions within the Region an opportunity to be heard, as well as appeal sanctions or penalties imposed.

This document serves as the official reference for complaints or allegations regarding issues that pertain to WEVA.

Article I. Scope and Authority

Section 1.01 Scope describes whom the WEVA Due Process and Appeals govern

- 01a) All participants, including players and coaches, teams, team and club representatives, and all persons who are affiliated with a club; all registered members of WEVA.
- 01b) The date of applicability for adherence to the WEVA Due Process and Appeals ranges from the date the participant registers and one calendar year thereafter.

Section 1.02 Authority of the WEVA Ethics Committee

- 01) The WEVA Ethics Committee retains the authority to make decisions regarding due process and appeals for all participants (as defined as above) as articulated in this document.

Article II. Types of Complaints/Allegations:

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 that are believed NOT in the best interest of the sport, the Region, or its members.

Section 2.02 Types of incidents causing complaints or allegations:

- 02a) Level 1 – Discretionary offense: Those infractions whose review falls within the discretionary authority of a specific Board member or Administrative staff.
- 02b) Level 2 – Minor offense: Those infractions that can wait until the next Board meeting. The Chairperson shall engage the Board of Directors at the next meeting.
- 02c) Level 3 – Serious offense: Those infractions requiring prompt action (sooner than the next Board meeting). The Chairperson shall engage the Committee as soon as possible.
- 02d) Level 4 – Major offense: Those infractions requiring immediate action (before and without a hearing).

Section 2.03 The Chairperson shall ascertain whether the complaint or accusation requires immediate action, prompt action, or is one that may wait to the next board meeting. Thereafter, the Chairperson shall initiate an investigation to verify the allegations and facts stated in the complaint. Such investigation shall be handled no later than twenty (20) days from the receipt of the complaint or allegation, unless the WEVA Ethics Committee determines that extra time is necessary. After investigation, the Chair may reclassify an incident based on the information obtained regarding the complaint or accusation.

Article III. Membership in the WEVA Ethics Committee (heretofore referred to as “the Committee”):

Section 3.01 The Committee shall be comprised of the following:

- 01a) The WEVA Vice President will preside as Chairperson.
- 01b) For Board of Director or Administrative staff issues, the Committee shall include the Officers of the Board (President, Vice President, Secretary, and Treasurer) and a neutral adult member. If one of the Officers is the respondent, then the Region Commissioner shall replace that member.
- 01c) For junior issues, the committee shall include the Junior Coordinator, two Junior Reps, and a neutral junior club director.
- 01d) For adult issues, the committee shall include the appropriate Adult Rep, Officials Rep, and a neutral appropriate (male or female) adult member.
- 01e) For officiating issues, the committee shall include the Officials Rep, Adult Rep, Junior representative (Coordinator, Boys, or Girls), and a neutral official.
- 01f) A quorum for the committee to take action will be a minimum of three (3) votes.
- 01g) Additional committee members may be added from the Board of Directors or Region membership as the Chairperson sees fit.

Article IV. Burden of Proof and Evidence

Section 4.01 Hearings are decided by a preponderance of evidence. This means that the Committee must decide if it is more likely than not (51%) that a violation has occurred. There are no formal “rules of evidence” in WEVA hearings.

Article V. Notification of Complaints/Allegations:

Section 5.01 A complaint or allegation regarding an infraction 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. Board members will be notified of all complaints, and may be granted access to the letter of complaint for informational purposes related to their position on the board.

Section 5.02 An acceptable complaint or allegation should include the following:

02a) Summary of the complaint or allegations.

02b) Specific facts detailing the complaint or allegations with details as to the time and place of the infraction.

02c) Names of all witnesses, and where possible, their addresses and statements accompanying the accusation or allegation as to the facts they are able to attest to.

Section 5.03 The Ethics and Eligibility Chair shall notify the other members of the Committee.

Article VI. Actions of the Committee:

Section 6.01 The Committee shall be responsible for information-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 6.02 Once the Committee determines that the criteria for a hearing have been reached, a written copy of the complaint shall be forwarded by certified mail (return receipt requested) to the respondent, at their last known address, as well as by e-mail as noted in the Region’s records. Such notice / complaint shall include:

02a) A statement that the individual has a right to respond, accompanied by a link to the WEVA Due Process and Appeals on the WEVA web site.

02b) Date, time, and description of any scheduled hearing or conference.

02c) Statement that a penalty or sanction may be imposed as a result of the hearing.

02d) Description of any immediate restrictions or sanctions, if any.

Section 6.03 The Committee’s notice shall inform the respondent that they may provide a written response (hard copy or e-mail) 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 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 should accompany the complaint.

Section 6.04 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 hearing date will be provided in writing and e-mail, and should occur within twenty (20) days from the date the Committee receives a written response from the accused. The respondent may provide evidence and witnesses or testimony at the time set for hearing to respond to the allegations.

Section 6.05 The Committee may meet and determine what action should be taken regarding the complaint in the absence of the accused should they fail to respond in writing within twenty (20) days.

Article VII. Procedures for Hearing:

Section 7.01 A hearing will be led by the Chairperson. The Chairperson will begin the hearing by briefly summarizing the complaint and then provide an agenda for the hearing as well as the rules for the hearing:

01a) The complainant will be given no more than ten (10) minutes to levy their allegation(s) and evidence in support of the claim.

01b) The accused will be given no more than ten (10) minutes to respond, defend, or counter-argue the claim.

01c) The Committee will be given an opportunity to question all parties to obtain any information they feel necessary to render an appropriate decision.

Section 7.02 Derogatory and/or inflammatory language are prohibited (except if it is referred to as a direct quotation from the evidence). The Committee reserves the right to expel a person from a hearing if their behavior is deemed to be inappropriate.

Section 7.03 The Committee shall render its decision to the Board of Directors 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 Committee.

Article VIII. Sanctions:

Section 8.01 The Committee may utilize any of the following upon rendering a decision based on the complaint:

01a) No Action: The Committee may elect to take no action on the matter, thus closing the case.

01b) Probation: The Committee may determine a period of probation. Should a violation occur during a probationary period, further sanctions may be imposed.

01c) Reprimand: The Committee may issue a statement regarding the findings and wrongdoings.

01d) Suspension: The Committee may initiate suspension from involvement with any WEVA or USA Volleyball-associated business within the region, for a specified period of time.

01e) Other: The Committee may consider and apply other sanctions as they see fit.

Section 8.02 The determination by the Committee shall be binding on the respondent.

Section 8.03 Sanctions may be shown on the Region web site

Article IX. Appeal Procedure:

Section 9.01 If the Committee disciplines a person, they have the right to appeal the decision to the Board of Directors.

Section 9.02 Notice of appeal should be in writing, addressed to the Region Commissioner, and mailed to the Region Office.

Section 9.03 The Board of Directors shall determine whether or not to hear the appeal within twenty (20) days. Their decision will be based solely on inappropriate due process or new information germane to the case. If the Board of Directors find no basis to have a hearing, they will notify the person who submitted the appeal in writing within seven (7) days of the next Board meeting. If the case is to be heard, the Board of Directors will place it on their agenda and the parties involved will be invited to that Board meeting to participate in the hearing. The Board of Directors will render its decision in writing within fourteen (14) days of the hearing.

Section 9.04 The decision of the Committee and sanctions remains binding until the appeal results in altering the decision.

Section 9.05 The Board's decision shall remain a permanent record of the Region.

Section 9.06 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 9.07 Any further appeal of the Region's decision shall be in accordance with the USA Volleyball Official Guide.