

WEVA
Due Process
And Appeals

WESTERN EMPIRE VOLLEYBALL ASSOCIATION

Date	Version	Section	Editor	Change
11/19/2007	2007a	All	S. Seabridge	Initial version
11/7/2008	2008a	3.01	S. Seabridge	Edited sections 3.01c, d, & e due to the change in Board of Director composition
1/24/2015	2015a	Version control	S. Seabridge	Added version control section
11/8/2016	2016a	2.03	C. D'Errico	Added section 01 regarding anonymity during junior recruiting complaint
11/8/2016	2016a	3.01	C. D'Errico	Added verbiage in section 01c to differentiate between recruiting and non-recruiting issues
11/8/2016	2016a	9.02	C. D'Errico	Added time constraint to the appeal process
3/28/2017	2017a	Entire Doc	L. Siragusa	Legal verbiage and content cleanup

Preamble:

The concept of due process involves the right of the accused, hereinafter referred as “the respondent”, to address the allegations of his/her accuser, hereinafter referred as “the complainant”, to present his/her side of the story, to receive fair consideration, and to 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 complainant and the respondent an opportunity to be heard, as well as an opportunity for the respondent to appeal sanctions or penalties imposed.

This document serves as the official reference for complaints or allegations regarding issues that pertain to WEVA. All days referenced hereinafter in this document are considered “business days”.

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 and Eligibility Committee

- 01) The WEVA Ethics and Eligibility Committee, hereinafter referred as the “Ethics Committee”, is delegated the authority to resolve and make decisions regarding complaints made against members of the Region, as defined in the Preamble above.

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 Alleged violations should be reported to the WEVA Region Commissioner, hereinafter referred to as “the Commissioner”, in the form of a written report or by using the WEVA Complaint and Grievance Form that can be found on the homepage of the WEVA website.

02a) Although alleged violations require a written report to be submitted for Region records, the Commissioner has the discretion to take immediate action upon an oral report of any alleged violation. However, such oral report must thereafter be followed up with a written report.

02b) Upon receipt of the written report of an alleged violation, the Commissioner shall forward the written report to the Chairperson, of the WEVA Board of Directors, hereinafter referred as “the Board”.

Section 2.03 All violations may fall into one of the four categorized levels of offensives.

03a) Level 1 – Discretionary offense: Those infractions whose review falls within the discretionary authority of a specific Board member or Administrative staff.

03b) Level 2 – Minor offense: Those infractions that can wait until the next Board meeting. The Chairperson shall engage the Board at the next meeting.

03c) Level 3 – Serious offense: Those infractions requiring prompt action (sooner than the next Board meeting). The Chairperson shall engage the Ethics Committee as soon as possible.

03d) Level 4 – Major offense: Those infractions requiring immediate action (before and without a hearing).

Section 2.04 The Chairman of the Board, hereinafter referred to as “the Board Chair”, shall ascertain whether the alleged violation, hereinafter referred as “the complaint”, requires, prompt action or is one that may wait to the next board meeting. The Board Chair shall then forward the complaint to the Ethics Committee for an investigation to determine if the allegations set forth in the complaint are in fact true, Such investigation shall be completed no later than twenty (20) days from the receipt of the complaint, unless the Ethics Committee determines that extra time is necessary. After investigation, the Chairperson of the Ethics Committee, hereinafter referred to as the “Ethics Chair”, may reclassify an incident based on the information obtained regarding the complaint.

01) To assure the confidentiality and the anonymity of the complainant, for any reported junior recruiting complaint, if the Ethics Chair is associated with any junior club the Commissioner will assign a new Chairperson to the Ethics Committee.

Article III. Membership in the WEVA Ethics Committee:

Section 3.01 The Ethics Committee shall be comprised of the following:

01a) The WEVA Vice President will preside as Chairperson. If the Vice President is unable or has a conflict of interest, the President of the board will step in. If the President is unable or has a conflict of interest, the Region Commissioner will assign a Chairperson.

01b) For Board or Administrative staff issues, the Ethics 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, not related to recruiting, the Ethics Committee shall include the Junior Coordinator, two Junior Reps, and a neutral junior club director. For junior issues, related to recruiting, the chairperson and all members of the committee shall be neutral, non-junior related members.
- 01d) For adult issues, the Ethics Committee shall include the appropriate Adult Rep, Officials Rep, and a neutral appropriate (male or female) adult member.
- 01e) For officiating issues, the Ethics Committee shall include the Officials Rep, Adult Rep, Junior representative (Coordinator, Boys, or Girls), and a neutral official.
- 01f) A quorum for the Ethics Committee to take action will be a minimum of three (3) votes.
- 01g) Additional Ethics Committee members may be added from the Board or Region membership as the Board Chair sees fit.

Article IV. Burden of Proof and Evidence

Section 4.01 Hearings are to be decided by a preponderance of evidence. This means that the Ethics Committee must decide if it is more likely than not (51%) that a violation has occurred. The formal “rules of evidence” do not apply in WEVA hearings.

Article V. Notification of Complaints:

Section 5.01 As indicated above, a report of an alleged violation must be submitted in writing to the Commissioner. The Commissioner will make a record of the receipt of the complaint and forward it to the Board Chair, who in turn will forward it to the Ethics Committee for investigation. 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 As indicated above, a complaint may be submitted using the WEVA Complaint and Grievance Form or a written report. An acceptable complaint should include the following:

- 02a) Summary of the complaint.
- 02b) Specific facts detailing the complaint 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 Chair shall notify the other members of the Committee.

Article VI. Actions of the Committee:

Section 6.01 The Ethics Chair will notify the respondent of the formal complaint filed against him/her. The notice shall be forwarded by certified mail (return receipt requested) to the respondent’s last known address as noted in the WEVA Region’s records, and by email to the respondent’s email address on file with the Region (read receipt requested). In addition, the notice will be emailed to the Commissioner and all current board members. Such notice shall include:

- 02a) A statement that he/she has a right to respond as outlined in the WEVA Due Process and Appeals on the WEVA web site.

02b) Statement that a penalty or sanction may be imposed as a result of the pending investigation.

02c) Description of any immediate restrictions or sanctions, if any have gone into effect.

Section 6.02 The Ethics Committee shall be responsible for information-finding when and where necessary. The Ethics 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 6.03 The Ethics Committee's notice shall inform the respondent that he/she may provide a written response (hard copy or email) within ten (10) days of receipt of the complaint. Such response should provide statements of witnesses and/or the names, addresses and phone numbers of witnesses, who have personal knowledge of the allegations contained in the complaint, as well as a summary of the witnesses' information.

Section 6.04 If the respondent provides a written response, the Ethics Committee shall set a hearing date to allow the respondent the opportunity to contest the allegations in the complaint. The hearing date will be provided in writing to the respondent and should occur within twenty (20) days from the date the Ethics Committee receives a written response from the respondent. The respondent may provide evidence and witnesses or testimony at the time set for hearing to respond to the allegations.

Section 6.05 Should the respondent fail to file a written response within the twenty (20) day time limit, the Ethics Committee will meet and determine what action should be taken regarding the complaint in the absence of the respondent.

Article VII. Procedures for Hearing:

Section 7.01 The Ethics Chair shall preside over the hearing. The duration, nature, and extent of any evidence received at the hearing, including any testimony of the complainant, respondent, and any other witnesses, is reserved to the sound discretion of the Ethics Chair. Anyone whom the Ethics Chair allows to testify at the hearing must first take an oath to tell the truth. The Ethics Chair 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 an opportunity, should he/she wish to do so, to testify in support of his/her complaint.

01b) The respondent will be given an opportunity to testify and to present witnesses or other evidence to contest, dispute, or explain the allegations set forth in the complaint.

01c) The members of the Ethics Committee will be given an opportunity to question any witnesses, including the complainant and respondent 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 Ethics Committee reserves the right to expel a person from the hearing if his/her behavior is deemed to be inappropriate.

Section 7.03 The Ethics Committee shall render its decision in writing to the Board at the next scheduled meeting of the Board following the hearing. A copy of the decision shall be submitted to the Region Commissioner and a file maintained as to the complaint and decision of the Ethics Committee.

Article VIII. Sanctions:

Section 8.01 The Ethics Committee may utilize any of the following upon rendering a decision based on the complaint. The Ethics Committee may also use past precedent to help guide all decisions. A decision of the Ethics Committee imposing a sanction can be appealed to the Board. Subsequent to any such appeal, if the decision is affirmed, or if there is no appeal, the Ethics Committee may report the findings of its investigation to USAV SafeSport.

- 01a) No Action: The Ethics Committee may elect to take no action on the matter, thus closing the case.
- 01b) Probation: The Ethics Committee may determine a period of probation. Should a violation occur during a probationary period, this will result in immediate disciplinary action of becoming a “member not in good standing”. The violation will be evaluated by the Ethics Committee and depending on the nature of the violation may result in further disciplinary action.
 - 01bi) Not in good standing is defined as no activity or involvement in WEVA or USA Volleyball.
- 01c) Reprimand: The Ethics Committee may issue a statement regarding the findings and wrongdoings.
- 01d) Suspension: The Ethics Committee may initiate suspension from involvement with any WEVA or USA Volleyball-associated business within the region, for a specified period of time.
- 01e) Lifetime Ban: The Ethics Committee may ban the respondent for life from any participation whatsoever in any WEVA or USA Volleyball business within the region.
- 01f) Other: The Committee may consider and apply other sanctions as they see fit.

The Ethics Committee may report the findings of their investigation to USAV SafeSport.

Section 8.02 A written copy of the Ethics Committee’s decision will be sent to the respondent by certified mail (return receipt requested), as well as by email (read receipt requested). It is highly recommended the Ethics Committee seeks legal counsel to review the letter prior to sending to respondent or to any other external communication.

- 02a) The Ethics Chair is responsible for notifying all members of the Board once the letter is officially sent to the respondent.

Section 8.03 The determination by the Ethics Committee shall be binding on the respondent. The Ethics Committee must explicitly define all disciplinary actions, including but not limited to reprimand, probation, member not in good standing status, suspension, and lifetime ban.

- 03a) Any action by the respondent that violates the disciplinary action will result in immediate member not in good standing status. See Section 8.01bi for member not in good standing definition.

Section 8.04 Sanctions may be communicated to, but not limited to, parties deemed appropriate by the Board, including tournament directors and club directors.

Article IX. Appeal Procedure:

- Section 9.01 If the Ethics Committee sanctions a respondent, he/she has the right to appeal the decision of the Ethics Committee to the Board. Such appeal may be based only upon the ground that the respondent was denied due process. Written notice of the right to appeal shall be included with the Ethics Committee's written decision provided to the respondent pursuant to Section 8.02 above.
- Section 9.02 Notice of appeal should be in writing and email, addressed to the Region Commissioner, and mailed to the Region Office within ten (10) days of the date of the ruling communicated to the respondent by the Ethics Committee.
- Section 9.03 The Board shall determine whether or not to hear the appeal within ten (10) days. If the Board finds no due process basis to have a hearing, they will notify the respondent who submitted the appeal in writing within twenty (20) days of receiving the appeal. If the case is to be heard, the Board will place it on their agenda and the complainant and respondent involved will be invited to that Board meeting to participate in the hearing. The Board will render its decision in writing within fourteen (14) days of the hearing.
- Section 9.04 The decision of the Ethics Committee and sanctions remain 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 the 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.