



## **DISCIPLINARY ACTIONS AND DUE PROCESS PROCEDURES**

**Introduction:** It is the responsibility of the Delta Region Volleyball Association Board of Directors to administer volleyball within the Delta Region. On occasion Region members may violate or be accused of violating Region rules as spelled out in the Delta Region Handbook or rules as described in the United States Volleyball Association (USAV) Guide or code of conduct for players or coaches. Such alleged violations may require action by the Region. These due process rules are hereby established to protect the due process rights of any accused member of the Region, the safety of Region members, and the integrity of the Region.

**Routine Matters:** Some actions or alleged actions by individuals or teams result in automatic sanctions in accordance with the Delta Region Handbook (e.g., playing non-rostered individual in an event, failure to appear at an event for which a team is pre-registered, untimely withdrawal from a tournament, failure to fulfill work (officiating) obligations, use of alcohol or controlled substances at a tournament, etc.). The appropriate officer of the Delta Region Board (e.g., the Referee Chair may prohibit an individual from officiating if he or she has not qualified as an official) or the Commissioner, after considering the evidence of wrongdoing, may administer such automatic sanction. If there is no clearly appropriate Delta Region Board officer, the Commissioner shall administer the automatic sanction. The Commissioner, after considering the evidence, shall have authority to impose sanctions for routine wrongdoing by Delta Region members not otherwise provided for by the Delta Region Handbook (e.g., minor damage to equipment or facilities).

The first level of appeal from sanctions for routine matters shall be in writing to the Commissioner. The Commissioner may either rule on the appeal or delegate the appeal to the Review Board (described below) for more formal consideration. If the Commissioner rules on the appeal and the relevant person or team wish to appeal further, such appeal shall be to the Review Board.

**Serious Matters and Appeals from Decisions on Routine Matters:** A Review Board consisting of three persons shall have responsibility for action on alleged wrongdoing of a serious nature by Delta Region members or for appeals from sanctions for wrongdoing otherwise deemed routine. The Commissioner shall chair the Review Board and shall be a voting member unless he or she ruled on the first level of appeal from a sanction for a routine matter. In the latter case, the Commissioner shall remain the administrative chair of the Review Board but shall not be a voting member. If necessary to replace the Commissioner with a third voting Review Board member, such member of the Delta Region Board shall serve as is jointly selected by the accused individual or team representative and the Delta Region Board Representative (defined below) if an agreement cannot be reached. Such Delta Region Board member shall serve as a voting member in place of the Commissioner as is selected by blind lottery from among the Delta Region Board members. One member of the Review Board shall be a Delta Region Board member selected by the accused individual or team representative. The other member of the Review Board shall be such Delta Region Board member as is most appropriate to the situation at issue as determined by a majority of the region Board of Directors. If more than one Delta Region Board member is unwilling or unable to serve if selected under any of the above-described methods, the Commissioner and accused may agree on a method for selecting a Review Board member from among the region's general membership.

For matters to be considered by the Review Board, notice shall be provided to the accused in writing as soon as reasonably possible. Oral notice may precede written notice for expediency. Written notice shall include a copy of these due process procedures, shall describe the alleged wrongdoing, the range of possible sanctions, and shall suggest a date, location, and method (in person or by telephone conference if acceptable to the accused) for the hearing. The date and location shall be established as much as reasonably possible to accommodate the accused. If the accused does not cooperate in establishing such date and location, the Review Board shall schedule the hearing at its convenience and the accused shall be so advised in writing.

The exact format of the hearing may vary as arranged with the accused, but it generally shall include an initial statement summarizing the allegations, presentation of evidence of the alleged wrongdoing, and presentation of evidence of innocence or of mitigating circumstances. After the hearing concludes, all interested parties shall be dismissed and the Review Board shall consider and discuss the evidence. As soon as possible after the hearing (but not necessarily the same day) the Review Board shall reach a decision which it shall formalize in writing and deliver to the accused. A decision of a majority of the Review Board members shall control and any dissent shall be noted in the written decision.

**Final Appeal:** Appeals from decisions of the Review Board shall be to the entire Delta Region Board. An appeal hearing to the Delta Region Board shall follow the same format as described above for the Review Board. The Administrative Chairman of an appeal hearing shall be a board member as is selected by mutual agreement of the accused and Commissioner. If no agreement can be reached the Administrative Chairman shall be such region member as is selected by mutual agreement. If no such further agreement can be reached, the Administrative Chairman shall be such Delta Region Board member as is selected by blind lottery. An accused must provide written notice to the Commissioner of an intention to appeal a Review Board decision within sixty days after such decision has been mailed by certified or registered mail or delivered by email to the accused. Otherwise the accused shall not be entitled to an appeal. An appeal hearing shall occur within thirty days after notice of intent to appeal has been mailed unless the appellant and Commissioner agree otherwise.

Any decision and sanction of the Review Board shall remain in effect until the appeal hearing. For the appeal hearing to be effective, it shall be necessary that a quorum of Delta Region Board members be physically present. Proxy votes shall not be permitted. Appeal hearings shall be recorded on audiotape.

**Miscellaneous:** The Delta Region Board is not a court of law but rather a non-profit private group of volleyball players, coaches, and organizers elected by the region membership to administer volleyball within the region. It is the duty of the Delta Region Board to strive to obtain just and full results when a region member or team is accused of wrongdoing relevant to volleyball within the Delta Region. As a private body the Delta Region Board does not follow the Federal Rules of Evidence but shall accord weight to evidence based on its substance and on common sense. Note that the Review and Delta Region Boards have the authority to suspend membership privileges for not more than one year.

For serious matters unless the safety of region member is at risk, physical or other substantial injury has resulted or the accused was clearly caught in the act of a serious wrong doing relevant to volleyball no penalty, sanction, or fine shall be imposed against the accused without a hearing by the Review Board. In the instances cited however, a temporary sanction may be imposed by the Commissioner after careful consideration of the evidence and situation. Such action shall be stated in writing and delivered to the accused.

USA Volleyball now provides that the only appeal from a decision of the Delta Region Board shall be to the USA Volleyball National Ethics and Eligibility Committee and only for a determination of whether the accused received due process.

If an individual moves into the region or a team attempts to register in the region that have been sanctioned by another region which has procedure for appealing from sanctions, the Delta Region shall respect and observe the other region's sanction for the balance of its term (regardless of whether the individual or team exercised such appeal process).