

ARIZONA REGION OF USA VOLLEYBALL DISCIPLINARY ACTION AND APPEALS

A. Concept of Due Process

The concept of Due Process is to insure the right of the accused to confront his/her accuser(s), to present his/her side of the story, to receive fair consideration, and to have the opportunity to have the Arizona Region's decision reconsidered by a higher and possibly more objective authority. It is the intent of the Arizona Region of USA Volleyball to provide a procedure affording any individual or team, which is accused of acting in violation of the codes of conduct, violation of sexual harassment policy, violation of ethics, violating substance abuse policies or acting inappropriately within a Regional volleyball context, an opportunity to be heard before any sanction or penalty may be imposed.

B. Types of Incidents

There are generally three basic types of incidents causing complaints or accusations:

1. Incidents requiring immediate decisions.
These decisions would take place before and without a hearing.
These incidents generally involve a consideration of safety such as child molestation, violence, property destruction or violation of the Code of Conduct. Such actions should always be followed by a hearing as soon as possible.
2. Incidents requiring prompt action.
These decisions/actions would take place before the next Executive Board meeting.
These generally involve such considerations as improper uniforms, violation of tournament procedures and/or referee assignments.
3. Incidents requiring decisions in the near future.
These are situations that can be heard by the Executive Board at its next regular meeting.

C. Procedures

In order to address the various types of complaints or accusations and to reduce the time of delay required in responding to the various types of accusation or complaints, the Arizona Region Executive Board of Directors has adopted the following procedure:

1. A disciplinary action shall be based on a violation of any of the following:
 - a. Ethics
(See Arizona Region Coach's Code of Ethics as well as the Code of Ethics found in the USA Volleyball Regional Volleyball Association IMPACT Manual.)
 - b. Code of Conduct
(See Code of Conduct noted on the second page of the Arizona Region membership form and the Code of Conduct recited in the Arizona Region Club Directors Handbook.)
 - c. Eligibility Rules
(See the USA Volleyball Guidebook.)

- d. USAV substance abuse policy
(See the USA Volleyball Guidebook.)
 - e. Actions pertaining to volleyball that are believed NOT to be in the best interest of the Region or its members.
 - f. A recommendation by a USA Volleyball National Event Arbitrator, an Event Ethics and Eligibility Committee or the USA Volleyball Corporate Ethics and Eligibility Committee for the Region to take some action.
2. A disciplinary action shall apply to all members of the Region including players, officials, coaches, team representatives, team or any person participating or attending an Arizona Region event or attending a USA Volleyball event in the Region.
 3. A person who wants to register a complaint and wishes to discuss the matter may contact the Arizona Region Ethics and Compliance Officer (ECO). The ECO may investigate the nature of the complaint and attempt to verify the complaint before determining if there is any merit to the complaint. If the ECO determines, in fact, the complaint is meritorious, the ECO may act as the accuser on behalf of the person bringing the complaint, and especially if the person bringing the complaint is a minor. If the ECO brings the complaint on behalf of a complainant, the ECO shall not be a member of the Ethics and Compliance Committee (ECC) for the purposes of proceeding toward a resolution of the complaint.
 4. A complaint or accusation regarding a violation of any of the above shall be reported, in writing, to the Arizona Region Office and the Commissioner. A complaint or notice of accusation should include the following:
 - a. A complaint or notice of the accusation or allegations.
 - b. Specific facts detailing the allegations or accusations of the complaint with specific details as to the name(s), time and place of the occurrence.
 - c. The names and addresses of all witnesses and, where possible, their written statements accompanying the complaint or allegation, stating their observations and personal knowledge of the allegations noted in the complaint.
 5. Upon receipt of a complaint regarding a violation, the Regional Office shall make a record of receipt of the complaint and confirm with the Commissioner the receipt of such complaint. The Commissioner shall instruct the Ethics and Compliance Officer (ECO) or designate or appoint an investigator to investigate the allegations set forth in the complaint and accompanying witness statements.
 6. The Ethics and Compliance Officer (ECO)/Investigator shall ascertain whether the complaint or accusation requires immediate action, prompt action, or is one that may wait until the next Executive Board meeting as described under Part B. S/he shall thereafter cause an investigation to begin to verify the allegations and facts of the complaint and witnesses' statements. Such an investigation shall be done expeditiously and handled in a timely manner. Such an investigation shall be initiated not later than twenty (20) calendar days from receipt of the complaint or accusation. The ECO or Investigator may, after further investigation, reclassify the incident, based on the facts surrounding the complaint or accusation.

7. Upon completion of the investigation, the ECO/Investigator shall confer with the remaining members of the Ethics and Compliance Committee, appointed by the Commissioner.
8. The Ethics and Compliance Committee shall be comprised of three members:
 - a. The Ethics and Compliance Officer (unless the ECO is the complainant)
 - b. Other designated members of the Region Advisory Board or appointees of the Commissioner, all of whom shall be members in good standing of the Arizona Region.
9. The Ethics and Compliance Committee shall be chaired by the Region ECO or a designee appointed by the Regional Commissioner.
10. The Process

The Ethics and Compliance Committee (ECC) shall take the following steps to determine the validity and veracity of the complaint and accompanying witness statement(s), if any, and confirm that a violation has occurred.

 - a. Notification
 1. The ECC shall notify the accused to advise him/her of the complaint and a summary of the complaint.
 2. The ECC shall forward a written copy of the complaint and any witness statements by certified mail, postage prepaid, to the alleged violator, at the last known address of the alleged violator, as documented in the Region's records. The contents of the notice/complaint shall include:
 - a. A statement that the individual has a right to respond along with an explanation of how that person may respond initially (in writing, fax, or e-mail).
 - b. A statement that a penalty or sanction may be imposed as a result of the complaint, if the accused elects not to respond.
 - c. A notice that a written response within twenty (20) calendar days of receipt of the complaint AND a request for a hearing is necessary and required in order for a hearing to be held.
 - d. A notice that a failure on the part of the alleged violator to respond to the complaint within twenty (20) calendar days may be a basis for the ECC to meet and determine what action should be taken regarding the complaint and the alleged violator.
 - b. The Hearing
 1. If the accused/violator provides the ECC with a written response and request for hearing, the ECC shall set a hearing date in order to provide the accused an opportunity to address the ECC and the allegations.

2. If a hearing is requested, the accused, the accuser, and the ECC may meet at a time, date, and location set by the ECC.
3. The ECC shall hear the complaints of the accuser who shall provide the ECC with copies of any written statements by persons having personal knowledge of the facts of the alleged violations. Once the accuser has provided the information to the ECC, the accused shall provide the ECC with copies of any written statements by persons as having personal knowledge of the alleged facts. The ECC may make any further investigation it deems necessary or appropriate, at the time.

The hearing may, at the agreement of the alleged violator, accused, and the members of the ECC be held by conference call. If, by conference call, the Chair of the Ethics and Compliance Committee must initiate the conference call at a time and date agreed upon with all parties.

4. In conducting a hearing or conference call, common sense shall prevail. Each hearing essentially has four parts:
 - a. Presentation of the accusation and evidence in support of the accusation
 - b. Response, defense, or counter argument of accused and presentation of any pertinent and specific responses to the accusation or complaint
 - c. Opportunity for clarification by the ECC from either party
 - d. The decision of Ethics and Compliance Committee
5. In order to maintain order during the hearing, the Ethics and Compliance Committee shall have full authority over the process and rules to be followed during the hearing.

c. The Decision

1. Once the Ethics and Compliance Committee believes it has sufficient information to render a decision as to the allegations set forth in the complaint, the ECC will recommend one of the following:
 - a. No Action
The ECC may elect to take no further action on this matter
 - b. Probation
The ECC may recommend probation
 - c. Reprimand
The ECC may recommend reprimand and additional sanctions
 - d. Suspension
The ECC may recommend suspension from involvement with a volleyball-associated business within the Region
 - e. Such sanctions as adopted by the Executive Board

2. Once the ECC has rendered a decision, a copy of the Ethics and Compliance Committee's decision shall be provided to the Region Office and Commissioner. Once the Region Office has received the decision, the time for appeal shall begin to toll. Appeals shall be noted as provided herein.
 3. At the time the ECC renders its decision, a copy of the Ethics and Compliance Committee decision shall also be provided to the accused. In addition, the accused shall be provided a copy of the Appeal Procedure as noted herein. If the accused wishes not to contest the decision of the ECC, the accused must do so in writing and a copy of the waiver to appeal must be forwarded to the Region Office and the Commissioner.
- d. After the Decision is Rendered
1. If the accused wishes not to contest the complaint or allegations therein, whether or not supported by written witness statement, the Investigator or ECO may advise him/her of the recommended sanction. After this communication, the ECO/Investigator shall contact the ECC at which time the ECC shall confer and the recommended sanction may be imposed. If the accused wishes not to contest the complaint, the accused waives any right to appeal the sanctions imposed.
 2. The Ethics and Compliance Committee is empowered to enter whatever sanctions it deems appropriate. The determination by the ECC shall be binding on the accused, pending the next Executive Board meeting.
 3. The Ethics and Compliance Committee shall submit its recommendation to the Commissioner. A copy shall be submitted to the Regional Office and a file maintained as well as any complaint, statements by witnesses and the decision of the ECC.
 4. Any member disciplined for a violation of any of the above will be provided notice of the Ethics and Compliance Committee's finding and decision, along with a letter clearly outlining the Appeal Procedure. As noted previously, the accused may elect to waive his/her right to appeal.
 5. If a member is to be disciplined for a violation of the Code of Conduct, Eligibility Rules, or Substance Abuse Policy, copies of the findings, decision, recommendations, and sanctions shall be afforded the violator and copies will be retained by the Regional Office.
 6. If the accused is a coach of a club, it shall be the responsibility of the ECO/Investigator to also inform the Club Director of the fact that a complaint has been filed against one of the club's coaches. It will be the responsibility of the coach to provide a copy of the complaint and any witness statements to the Club Director.

The Club Director may conduct his/her own investigation and take whatever action he/she deems appropriate if the Club Director deems that the complaint may have validity. The Club also has the right to initiate its own Due Process Procedure against the accused.

However, the Club Director and club members shall be required to fully cooperate with the investigators and take no action which may hinder the investigation by a Region representative, or in any manner embarrass the accuser or take any action which might be considered retribution or retaliation for initiating a complaint.

D. Appeal Procedure:

1. If a member is disciplined by the ECC, the member shall have a right to appeal the Ethics and Compliance Committee's decision to the Commissioner and a quorum of the Executive Board.
2. Notice of the appeal by the sanctioned individual or club/team shall be **in writing**, addressed to the Commissioner, and mailed to the Regional Office **by registered mail within twenty (20) calendar days of the decision by the Ethics Committee.**
3. The disciplined member shall be offered the opportunity to address the Commissioner and the Executive Board at a time that is convenient to all. Neither party shall be entitled to provide any further evidence supporting his/her position. The Executive Board and Commissioner shall convene at the next Board meeting or earlier, if the Board is available, to determine if the Ethics and Compliance Committee's process has afforded the accused a fair opportunity to respond to the complaint; whether the complaint was supported by evidence from persons having personal knowledge who personally witnessed the violation complained, and whether the accused provided any evidence of a defense or explanation which would explain the action by the accused, or whether the accused provided evidence by witnesses who also had personal knowledge or who personally witnessed the facts and circumstance alleged; and to determine whether the decision by the ECC was appropriate, or whether the sanction was appropriate.
4. The decision and sanctions of the Ethics and Compliance Committee shall be binding, pending the appeal process.
5. The Executive Board shall review the appeal and issue its decision within fourteen (14) calendar days and, after review, send copies to the member.
6. The Board's decision shall remain a permanent record of the Arizona Region.
7. If the Commissioner and the Executive Board deem it appropriate, a copy of the complaint, findings, and sanctions and any appeal decision may be submitted to the National Office of USA Volleyball, and may be published in the Region's Web page and Newsletter.
8. The Executive Board shall follow the appeal process consistent with the USA Volleyball Guide. The decision of the Executive Board shall be final.

E. Sanctions

The Executive Board of the Arizona Region has established the following sanctions.

1. Player/Team Sanctions
 - a. Teams that do not meet referee obligations:

In the event that a team does not meet its obligation and does not complete its refereeing, scorekeeping, line judging and libero-tracking (if applicable) duties, the following sanctions shall apply:

1. First Offense - \$50 fine to be paid to the Region Office before the team may enter and play in another sanctioned tournament in the Region
 2. Second Offense - \$100 fine to be paid to the Region Office before the team may enter and play in another sanctioned tournament in the Region
 3. Third Offense – The team is suspended from further play in the Region for one year following the date of its third offense.
- b. Teams playing with an unregistered player:
1. First Offense - \$250 fine to be paid to the Region Office before the team may enter and play in another sanctioned tournament in the Region and probation for the year
 2. Second Offense – Season over with the right to appeal to the Executive Board
- c. Teams having a player playing under an assumed name or another player's number:
1. First Offense - \$250 fine to the Coach to be paid to the Region Office and probation until the Coach appears before the Executive Board
 2. Second Offense – Season over with the right to appeal to the Executive Board
- d. Teams playing with a coach who does not meet all of the coaching criteria:
1. First Offense - \$250 fine to the Coach to be paid to the Region Office and probation for the year
 2. Second Offense – Season over with the right to appeal to the Executive Board
- e. Teams with improper composition:
A team with more than 11 players who enter a tournament as 2 teams shall be deemed 2 teams with one team as an unregistered team and sanctioned accordingly.
- f. Teams/Players playing out of uniform as established by the Region:
1. First Offense – Verbal and written sanction and no more tournaments until proof is provided to the Junior Division Coordinator that the situation has been rectified
 2. Second Offense - \$50 fine to be paid to the Region Office
 3. Third Offense – \$250 fine to be paid to the Region Office
 4. Fourth Offense - Season over with the right to appeal to the Executive Board
2. Sanctions Regarding Tournaments
- a. Teams that fail to show up for a tournament they have entered or failed to give 5 days notification to the Region Office.

1. First Offense – Loss of entry fee and \$100 fine that will be given to the tournament host
 2. Second Offense - \$250 fine to be paid to the Region Office
 3. Third Offense – Season over with the right to appeal to the Executive Board
- b. Team not adhering to the rules, standards and guidelines by a tournament host will result in the following penalties:
1. First Offense – \$50 fine to be paid to the Region Office, revoking and cancellation of their next scheduled event that is not on the same weekend, and no further tournaments allowed until the fine is paid and the problem is corrected.
 2. Second Offense - \$250 fine to be paid to the Region Office and cancellation of their next scheduled event that is not on the same weekend, and no further tournaments allowed until the fine and day official is paid.
 3. Third Offense – All remaining sanctioned tournaments are cancelled with the right to appeal to the Executive Board