

BAYOU

Regional Volleyball Association

Due Process Procedure

AUTHORITY: In accordance with Article VII, Section 2.1 of the Bayou Regional Volleyball Association (BRVA) By-Laws, and Article X of the BRVA Operating Code, 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 and Eligibility Committee shall report directly to the BRVA Board of Directors.

PROCESS OF ADJUDICATION

1. 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 to the following schedule:

a. CATEGORY I VIOLATIONS

These violations include 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

The violations include 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

These violations include incidents involving serious misconduct, which may or may not, require immediate action, before and without a 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

These violations include incidents involving behavior that 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 minor; 2) Violence or threatening behavior; or 3) Actions which seriously undermine or threaten a player (including oneself), club, team, coach, official, or the Bayou 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.

2. DISCIPLINARY ACTIONS

Individuals, groups of individuals or organizations which violate the terms of membership in the Bayou 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 not exceeding twelve (12) months

d. EXPULSION

The removal of eligibility for a period of more than twelve (12) months

3. FIRST LEVEL OF ADJUDICATION

a. RECEIPT OF AN ACCUSATION

The occurrence of an incident must precipitate an accusation. Any club, team or individual member of this Corporation, or eligible for membership in this Corporation, may seek redress of any volleyball-related grievance that directly affects it, him or her, by filing a written complaint with this Corporation. 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 Bayou Region.

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/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 time frame;
4. The date, time and location for the hearing before the 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 that the Review Panel has an opportunity to be presented with all sides of the controversy. The hearing shall include direct written or verbal testimony by those directly involved.

i. 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 of the Corporation) to a specific hearing in order to afford the involved parties the consideration of peer review.

ii. 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 (2/3) majority vote of the individuals serving, taken outside the presence of the accused. Where disciplinary action is imposed, the notice of sanctions 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.

4. APPEAL PROCESS

Pursuant to Article X of the Bayou Regional Operating Code, an appeal of any sanction imposed may be requested of the Regional Commissioner or his/her designate. The individual(s) appealing must notify the Commissioner, or his/her designate, in writing of their request for hearing, no later than 30 (30) days from the receipt of a Notice of Sanction. The request must be 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* (new trial) 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.

i. 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 the 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.

ii. 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 (2/3) 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 but 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 Appeals Panel's findings and decision, must be filed with the Corporation.

5. EXCEPTIONAL APPEALS

In accordance with Article XI of the USA Volleyball By-Laws, Regional Volleyball Associations (RVAs) shall provide due process procedures to address alleged violations of ethics and eligibility policies or procedures relating to its activities or events. Each RVA has complete and independent authority to sanction its members for violations of its policies or procedures. After exhaustion of due process within an RVA, further appeal may be made to the Corporation Ethics and Eligibility Committee, but only for a determination of whether the appealing party received adequate due process, in accordance with procedures, if any, established by the Corporation Regional Operations Division.