

# **CAROLINA REGION/USAV**

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

### **I. INTRODUCTION:**

It is the responsibility of the Carolina Regional Volleyball Association Board of Directors to administer volleyball within the Carolina Region. On occasion, Region members may violate, or be accused of violating, Region policies as spelled out in the Operating Code, Team Handbooks, USA Volleyball (USAV) policies as described in its Guide Book, or the USAV Code of Conduct for members or coaches. Such alleged violations may require action by the Carolina Region. These due process procedures are hereby established to protect the due process rights of any accused member of the Carolina Region, the safety of Region members, and the integrity of the Carolina Region.

### **II. VIOLATION OF THE OPERATING CODE (Automatic Sanctions):**

Some actions or alleged actions by individuals or teams result in automatic sanctions in accordance with sections of the Carolina Region Team Handbooks. Failure to have certified officials by specified dates, failure to appear at an event for which a team is pre-registered, untimely withdrawal from a tournament, and failure to fulfill work (officiating) obligations are just some examples of violations that have automatic sanctions associated with them. After considering the evidence of wrongdoing, the appropriate member of the Region Board, the Executive Director, or the President of the Board of Directors may administer such automatic sanctions. For example, the Referee Chair may prohibit an individual from officiating if he/she has not been certified as an official or is not in the process of certification; or the Men's or Women's Player Representatives (in matters concerning Adult Division play) or the Youth & Juniors Girls or Boys Representatives (in matters concerning Youth & Junior Girls or Boys Division Play) may impose appropriate automatic sanctions. If there is no clearly appropriate Board Rep, the President (or his/her appointee) shall administer the automatic sanction. Automatic Sanctions are levied through the Region Office.

### **III. VIOLATION OF THE CODE OF CONDUCT/OTHER VIOLATIONS:**

The following procedure is to be followed when a complaint is lodged against a Carolina Region member for violation of the RVA/USAV Code of Conduct, Coaches Code of Ethics, Officials Code of Conduct, or other serious policy violations not covered by the Team Handbooks.

The Executive Director shall gather all pertinent information on the matter and make a ruling. The ruling may range from no action, a monetary fine, to suspension of membership. The ruling must be issued within fourteen (14) days of the receipt of the written complaint. If a sanction is imposed, notice of the sanction must be sent to the sanctioned member or team (through the team rep) by certified mail (return receipt requested) or overnight delivery with adult signature required.

In all cases, unless the safety of Region members is at risk, physical or other substantial injury has resulted, or the accused was clearly caught in the act of a serious wrongdoing relevant to volleyball, no penalty, sanction, or fine that has been appealed shall be imposed against the accused until a hearing is held by the Carolina Region Ethics and Eligibility Committee. In the instances cited, however, a temporary sanction may be imposed by the Executive Director after careful consideration of the evidence and situation; any such action shall be stated in writing and delivered to the accused.

## **IV. APPEAL PROCEDURE:**

The first level of appeal for sanctions for violations of the Operating Code (Section I.) shall be to the President and such request for appeal shall be in writing and received by the Region Office within ten (10) days following receipt of the notice of sanction. The President may either rule on the appeal or delegate the appeal to the Ethics and Eligibility Committee (described below) for more formal consideration. If the President rules on the appeal and the relevant person or team wishes to appeal further, such appeal shall be to the Ethics and Eligibility Committee.

For Code of Conduct Violations (Section II.), the sanctioned member may appeal the ruling to an Ethics and Eligibility Committee. Such appeal must be made in writing within ten (10) days following receipt of the notice of sanction. The sanction will be enforced until notice of appeal has been received. When notice of appeal is received, the sanction is set aside until a hearing is held.

An appeal must be based on one or more of the following criteria:

- A. A dispute of the facts of the event.
- B. Improper application of the due process policy.
- C. A dispute of the severity of the sanction.

The Ethics and Eligibility Committee shall consist of one member from each of the following Groups:

1. The Executive Committee;
2. A Board of Directors member not in Group 1;
3. A Division representative.

The Committee shall be named by a member of Group 1 above who did not make the initial ruling. Factors to be considered when assembling the Committee are conflict of interest, availability, and appropriateness.

The Ethics and Eligibility Committee shall be constituted and the hearing shall be scheduled in consultation with the sanctioned member and other interested parties. The hearing shall be held no later than at the first regularly scheduled Board of Directors meeting following receipt of the appeal. In the event of a major code of conduct violation that may result in suspension of playing/coaching privileges, all efforts will be made to schedule the hearing before the next competitive event. If all parties agree, the Ethics and Eligibility Committee may convene the appeal hearing with a conference call of all involved parties. All appeal hearings shall be at a minimum digitally recorded and may also be video recorded.

In the event the hearing is held before a regularly scheduled Board of Directors meeting, the accused may make a final appeal to the full Board of Directors at the above-mentioned meeting or at the next scheduled meeting.

## **V. MISCELLANEOUS**

The 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 Region Board to strive to obtain just and fair results when a Region member or team is accused of wrongdoing relevant to volleyball within the Region. As a private body, the 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 Carolina Region has the authority to suspend Carolina Region membership privileges for more than one year.

The United States Volleyball Association now provides that the only appeal from a decision of the Region Board shall be to the United States Volleyball Association National Ethics and Eligibility committee and only for a determination of whether the accused received Due Process in the Regions.

If an individual moves into the Region or a team attempts to register in the Region and is currently under sanction(s) by another Region which has afforded the individual or team Due Process, the Carolina 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).