



MOKU O KEAWE REGION'S DUE PROCESS

Introduction:

It is the responsibility of the Moku O Keawe Region Regional Volleyball Association Board of Directors to administer volleyball rules within the Moku O Keawe Region. Region members who violate, or accused of violating, Region rules (as spelled out in the Handbook), United States Volleyball Association rules (as described in its Guidebook), or the USA Volleyball Code of Conduct for players or coaches may require action by the Region. "Due process" procedures are hereby established to protect the rights of any accused Region member, the safety of Region members, and the integrity of the Region.

Application:

This policy applies to all members of the Region - officials, coaches, chaperones, team or any person participating or attending a USA Volleyball function in the Region.

Conduct Requiring Disciplinary Action:

Disciplinary action shall be based on a violation of any of the following:

- A. Region Club Personnel Code of Ethics.
- B. USA Volleyball Code of Conduct Policy.
- C. Code of Conduct as listed on the Moku Region/USA Volleyball individual membership application.
- D. Eligibility rules per the USA Volleyball Guide.
- E. USA Volleyball substance abuse policy, per the USA Volleyball Guide.
- F. Actions pertaining to volleyball **NOT** to be in the best interest of the Region.

The method and time of imposing sanctions is dependent on the type of infraction:

1. Minor Infractions:

Infractions of a procedural nature require prompt action sooner than a meeting of the Administrative Board of the Region. Infractions by individuals or teams result in automatic sanctions in accordance with the Region Handbook

- ◆ 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;
- ◆ Failure to fulfill work (officiating) obligations;
- ◆ Irregularities in the roster.

The appropriate officer of the Region (e.g. Commissioner, Executive Tournament Director, or Officials Chairperson), after considering the evidence of wrongdoing, may administer a sanction. If there is no clearly appropriate Board officer, the Commissioner shall administer the sanction.

The Commissioner, after considering the evidence, shall impose a sanction for routine wrongdoings by Region members not otherwise provided for by the Handbook.

2. Serious Infractions (Immediate action **before and without a hearing**)

These generally involve considerations of safety, (child molestation, violence, significant property damage, and/or comparable activity). Such actions always should be followed by a hearing as soon as possible. Serious matters requiring immediate action, includes, but are not limited to the following:

THE FOLLOWING ACTIONS ARE PROHIBITED AND WILL RESULT IN AN AUTOMATIC AND IMMEDIATE SANCTION IF AN INDIVIDUAL IS CAUGHT IN THE ACT:

1. Illegal transport, illegal possession, or illegal use of drugs or other substances banned by MOKU REGION or USAV. (NOTE: Disciplinary actions for use of banned substances shall be in accordance with USAV Drug Policy Program.)
2. Use of a recognized identification card by anyone other than the individual described on the card.
3. Physical damage to a facility or theft of items from a room, dormitory, residence or other person. (Restitution will be a part of any penalty imposed.)
4. Possession of fireworks, ammunition, firearms, other weapons or any item or material which by commonly accepted practices and principles would be a hazard or harmful to other persons.
5. Any action considered to be an offense under Federal, State or local laws/ordinances.
6. Violation of the specific policies, regulations, and/or procedures of any facility used in conjunction with a sanctioned event. (It is the responsibility of the individual to be familiar with applicable specific policies, regulations and procedures.)
7. Conduct that is inappropriate as determined by comparison to normally accepted behavior.
8. Physical or verbal intimidation of any individual.

The schedule of sanctions shall be as follows:

<u>Infraction</u>	<u>When Occurred</u>	<u>Suggested Maximum Penalty</u>
First	Before or During Event	Individual will be disqualified immediately (if person is a junior she/he will be sent home as soon as possible and parent or guardian notified). The individual will be ineligible for a MOKU REGION membership and ineligible to participate in any USAV sanctioned events for the remainder of the season and up to one year starting from the date of the infraction.
	After event concludes	Individual will be declared ineligible for a MOKU REGION membership starting from the date of the infraction and ineligible to participate in any USAV sanctioned events for the remainder of the season and up to one year starting from the date of the infraction
Second	Before or during event	Individual will be disqualified immediately (if person is a junior she/he will be sent home as soon as possible and parent or guardian notified). The individual will be ineligible for a MOKU REGION membership and ineligible to participate in any USAV sanctioned events for the remainder of the season and up to two years starting from the date of the infraction.
	After event concludes	Individual will be declared ineligible for a MOKU REGION membership starting from the date of the infraction and ineligible to participate in any USAV sanctioned events for the remainder of the season and up to two years starting from the date of the infraction
Third		Individual will be immediately declared ineligible for MOKU REGION membership or USAV registration for the remainder of her/his lifetime.

NOTE: Major misbehavior (e.g. verbal or physical abuse of a child, sexual harassment, etc.) may subject the violator to immediate lifetime ineligibility for MOKU O KEAWE REGION membership or USAV registration.

For any event occurring at a tournament site, within a reasonable time before, during, or after the tournament, the sanction may be immediately imposed by the host of the tournament or the Commissioner.

3. Other Serious Infractions:

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 shall be imposed against the accused without a hearing by the Review Board. In the instances cited, the Commissioner may impose a temporary sanction after careful consideration of the evidence and situation; any sanction shall be in writing and delivered to the accused.

PROCEDURE FOR SERIOUS MATTERS AND APPEALS FROM DECISIONS ON ROUTINE MATTERS

Sanctions for Serious Matters:

A complaint citing a violation of any of the above shall be *in writing* to the Commissioner, and to the Tournament Director, if the event occurred at a Tournament.

The complaint should include the following:

- a. Summary of the accusation or allegations.
- b. Specific facts detailing the allegations of the complaint with specific details as to the time and place of the occurrence.
- c. The names, addresses, and phone numbers of all witnesses and where possible, their statements describing the infraction/event.

Upon receipt of a complaint regarding a violation, the Commissioner shall provide copies to the Board of Directors of the Region.

The Commissioner shall ascertain whether the complaint requires immediate action, prompt action, or may wait to convene the Board of Directors. The Commissioner shall thereafter cause an investigation to begin to verify the complaint. Such investigation shall be done expeditiously and handled in a timely manner, but not later than twenty days (20) from receipt of the complaint. The Commissioner may, after further investigation, reclassify the incident, based on the facts surrounding the complaint..

The Commissioner, or investigative designate, may accept statements from witnesses, obtain evidence and take the appropriate steps to confirm and verify the complaint.

Once the validity of the complaint determined and confirmation that a violation occurred, a written copy of the complaint shall be forwarded by **CERTIFIED MAIL** to the last known address of the alleged violator.

The complaint shall include:

- a. A statement that the individual has the right to present his/her side of the violation.
- b. Sanction(s) imposed, if any.
- c. Date, time and description of any hearing or conference scheduled.
- d. Statement that a penalty or sanction may be imposed as a result of the hearing.
- e. Request for a response within twenty days of receipt of the complaint and a statement that if the individual fails to respond, that the sanction(s), if not already in effect, will be imposed, or if already imposed, shall continue. The response should provide statements of witnesses and/or the name, addresses and phone numbers of witnesses intended to be called by the accused, and who have personal knowledge of the incident(s).
- f. Copy of this policy.

APPEAL PROCESS:

1) FIRST LEVEL

Appeals on sanction(s) for routine matters shall be in writing and addressed to the Commissioner no later than thirty calendar days after the accused was notified orally or in writing of the sanction. The Commissioner may rule on the appeal or refer the appeal to the Review Board (as described below). If the Commissioner rules on the appeal and the accused wishes to appeal the decision, the appeal shall be made to the Review Board.

2) SECOND LEVEL

The Review Board consists of - the Treasurer, Secretary, Tournament Director, and Officials Chairperson. The Treasurer shall serve as the administrative chair of the Committee.

The Review Board shall be responsible for acting on alleged wrongdoings of a serious nature by Region members or for appeals from sanctions for minor infractions. The Review Board shall also meet to determine the appropriate sanction (if not already imposed) if the alleged violator does not respond within the above time frame.

If the violator provides a written response, the Review Board shall set a date in order to allow the accused to present his/her side of the violation to the Review Board. The alleged violator may provide evidence, witnesses, in response to the complaint. (The hearing shall be private and witnesses, if questioned, shall be questioned out of the presence of other witnesses.)

The alleged violator and the Review Board may agree to a conference call. If by conference call, the head of the Review Board shall initiate the conference call at a time and date agreed upon by both parties.

The accused, if a junior, may have either or both parents present and his/her coach, but only one adult representative of the junior may provide argument or question witnesses.

In conducting a hearing or conference call, common sense shall prevail. Each such hearing has four essential segments:

- a. Presentation of the complaint and any evidence in support of the complaint.
- b. Response, defense or counter argument of accused.
- c. Opportunity for accused to confront accuser.
- d. Making decision.

After the hearing, all interested parties shall be dismissed and the Review Board shall consider and discuss the evidence (but not necessarily the same day). The Review Board shall reach a decision as soon as possible and notify the accused in writing.

The Review Board may take the following actions:

- a. No Action - the Review Board may elect to take no further action on this matter, allowing any imposed sanction to remain in place.
- b. Probation - the Review Board may recommend probation. Whereby, the imposed sanction is suspended and may be re-imposed if any subsequent violation of the Region's Coaches Code of Conduct; Code of Ethics found in the USA Volleyball Impact Manual; Code of Conduct on the reverse of the Individual Membership Application; Eligibility Rules as defined in the current year's USA Volleyball Guidebook; USAV Substance Abuse Policy; or any other action not to be in the best interest of the Region.
- c. Reprimand - the Review Board may recommend a reprimand and additional fines or sanctions.
- d. Suspension - the Review Board may recommend suspension from any USA Volleyball activities within the Region for a determined period of time

The Review Board is empowered to impose whatever sanctions it deems appropriate. The decision of the Review Board shall be binding on the accused, pending the next Board of Directors meeting.

The Review Board shall submit its recommendations to the Board of Directors of the Region for review at the next scheduled meeting. A copy shall be submitted to the Region Office and a file maintained as to the complaint and decision of the Review Board.

Any member disciplined for a violation of any of the above will be notified in writing of the committee's findings, decisions, and the appeal process.

If a member is to be disciplined, copies of findings, decision, recommendations, and sanctions shall be afforded the violator and copies retained by the Region Office.

All results of Suspensions will be reported to the National Office and upon request, made available to any/all USA Volleyball Regions under the Reciprocity Agreement passed in May 1997.

Final Appeal

Appeals of decisions from the Review Board shall be to the Commissioner and if needed, a Legal Advisor. An appeal hearing shall follow the same format as described above for the Review Board. The Legal Advisor shall serve as chairperson of the hearing of any appeal.

The accused must provide written notice to the Commissioner of an intention to appeal a Review Board decision within thirty days after such decision has been mailed by certified mail or delivered by hand delivery 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.

Miscellaneous

The Region Board is not a court of law, but rather, a non-profit private group of volunteers, volleyball players, coaches and private citizens elected by the regions commissioner 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 Review and Region Boards have the authority to suspend 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.

If an individual moves into the Region, or a team attempts to register in the Region, subject to the sanctions of another Region, which has a procedure for appealing from sanctions, the Moku o Keawe 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).

All results of Suspensions will be reported to the National Office and upon request, made available to any/all USA Volleyball Regions under the Reciprocity Agreement passed in May 1997.