

Southern California Volleyball Association
DISCIPLINARY ACTIONS AND DUE PROCESS PROCEDURES
May, 2001

Introduction

It is the responsibility of the Southern California Volleyball Association (SCVA) Directors to administer volleyball within the Southern California Region. On occasion, Region members may violate, or be accused of violating, rules as spelled out in the SCVA Manual, the USA Volleyball Official Rules, or the USA Volleyball Code of Conduct for players and 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 Region Handbook (e.g., 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, use of alcohol or controlled substances at a tournament, etc.). The appropriate officer of the Region Board (e.g., the Chairman of Referees may prohibit an individual from officiating if he or she has not qualified as an official or is not in the process of timely qualifying) or the Commissioner, after considering the evidence of wrongdoing, may administer such automatic sanction. If there is no clearly appropriate Board officer, the Commissioner shall administer the automatic sanction. The Commissioner, after considering the evidence, shall have authority to impose sanctions for routine wrongdoings by Region members not otherwise provided for by the Handbook (e.g., minor damage to equipment or facilities). The first level of appeal from sanctions for routine matters shall be to the Commissioner, who may request that such appeal be in writing. 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 wishes 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 to five persons shall have responsibility for acting on alleged wrongdoings of a serious nature by Region members or for appeals from sanctions for wrongdoings 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, a third or fifth voting Review Board member shall be selected by blind lottery from among the Region Board Member.

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 and 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 a 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 delivered 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.

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Final Appeal

Appeals from decisions of the Review Board shall be to the entire Region Board. An appeal hearing to the Region Board shall follow the same format as described above for the Review Board. The administrative chairman of an appeal hearing shall be such 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 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 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. For the appeal hearing to be effective it shall be necessary that a quorum of Region Board members be physically present; proxy votes shall not be permitted. Appeal hearings shall be recorded on audiotape.

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 of 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. For serious matters, 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, however, the Commissioner may impose a temporary sanction after careful consideration of the evidence and situation; any such action shall be stated in writing delivered to the accused. 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 SCVA 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).