



Southern California Volleyball Association

POLICIES AND PROCEDURES FOR DUE PROCESS

These policies and procedures have been created to protect and preserve the rights, privileges, and integrity of SCVA members and activities – objectively and fairly.

The SCVA exists to foster volleyball and serve its members. It is not a judicial entity. However, the SCVA, as a member regional volleyball association (“RVA”) of the United States Volleyball Association (“USAV”), is responsible for disciplining individuals and teams for violation of any rules, regulations, codes or policies set forth by the SCVA, the USAV and the United States Center for SafeSport. The SCVA is responsible for ensuring that all of its members are afforded due process. What does this mean for a non-governmental and non-judicial body such as the SCVA? It means that if an SCVA-member team or individual is accused of wrongdoing that is subject to a penalty or sanction, due process requires that the accused team or individual be afforded the opportunity to confront his or her accuser(s), to present his or her side of the story, to receive a fair and objective decision in a timely fashion and to be given the opportunity to have the SCVA’s decision reconsidered by a higher authority – such as the Regional Volleyball Association Assembly, or the USAV.

Matters covered by the SCVA’s due process procedures shall apply to alleged violations of rules, regulations, codes or policies of the SCVA, the USAV and the U.S. Center for SafeSport, as well as alleged violations of administrative provisions, and other matters. ***These policies and procedures are not applicable to allegations of sexual misconduct, which are strictly under the jurisdiction of the U.S. Center for SafeSport. The SCVA will immediately notify the U.S. Center for SafeSport, and the USAV, upon receiving accusations of sexual misconduct.***

It is important to remember that in disciplining its members, the SCVA is acting as a judge and jury. Therefore, it is crucial that the SCVA ensure that its members are treated fairly, and that its decisions are consistent with the equal treatment of its members.

GRIEVANCE PROCEDURE PROCESS

SCVA members have an obligation to be familiar with the rules, guidelines and the code of conduct of the SCVA, the USAV and the U.S. Center for SafeSport. Neither lack of awareness, nor misunderstanding of a rule or standard is a defense to a charge of wrongdoing. When a member

is uncertain whether a particular situation or course of action would violate policy or ethics, he or she must consult with knowledgeable authorities.

If a member suspects that there may have been a violation of policy or ethics by another member, the suspecting member may submit an official grievance to the SCVA. The steps for this process are:

1. Submit a written complaint directly to the USAV and the U.S. Center for SafeSport, through the USAV website. The complaint should include the following information:
 - a. name of reporting party, phone number and email address;
 - b. identity of the club, club representative or member in violation;
 - c. detailed description of the violation; and
 - d. identity and contact information for any witnesses to the violation or incident, and any supporting documentation, if available.
2. The SCVA will be notified of the complaint by the USAV.

Violations. All violations, general and specific, committed by registered members will be categorized according to the following schedule:

- A. Category I Violations. Minor incidents for which an automatic penalty, fine or sanction may be imposed under applicable SCVA policies. Examples include, but are not limited to, failure to complete officiating duties at a tournament, failure to have certified officials by specified dates, and failure to wear proper uniforms at a tournament.
- B. Category II Violations. Incidents involving misconduct. Examples include, but are not limited to, eligibility and/or registration violations, or failure to fulfill the terms of a previous sanction.
- C. Category III Violations. Incidents involving serious misconduct, which may, or may not, require immediate action, before and without hearing. Examples include, but are not limited to, possession and/or use of alcohol by a junior member, intentional damage to property (including facilities, equipment and/or vehicles), or theft of property.
- D. Category IV Violations. Incidents involving behavior which jeopardizes the safety of any individual, requiring immediate action, before and without hearing. Examples include, but are not limited to, sexual misconduct or other inappropriate conduct with a junior, child endangerment, violence or threatening behavior, or actions which seriously undermine or threaten a player (including oneself), club, team, coach, official or the SCVA.

The USAV will be notified of all complaints alleging Category III Violations. The USAV and the U.S. Center for SafeSport will be notified of all complaints alleging Category IV Violations. **The U.S. Center for SafeSport has exclusive authority to investigate and resolve potential sexual misconduct.*

Members of the SCVA must cooperate in investigations, proceedings, resulting sanctions and other actions that may be required by the SCVA. Failure to cooperate is itself an ethics violation. Members of the SCVA must not file complaints that are frivolous, and intended to harm the respondent rather than to protect the public and other SCVA members.

**ENSURING THAT DUE PROCESS IS AFFORDED
WHEN HANDLING ACCUSATIONS/COMPLAINTS**

A. Timing.

1. When the SCVA receives a complaint about an individual or team, the SCVA’s designated SafeSport Representative will conduct an independent investigation.
2. The findings from the independent investigation will be provided to the SCVA Commissioner, who has the authority to confirm or disagree with the findings.
 - i. If the findings conclude that the accusations are unsubstantiated, and the Commissioner agrees with the findings, no further investigation or hearing will be conducted. The SCVA will then notify the USAV that the accusations were unsubstantiated.
 - ii. If the findings call for a hearing on the accusations, and the Commissioner agrees with the findings – or the Commissioner disagrees with a determination that the accusations are unsubstantiated, the SCVA’s Ethics and Eligibility Committee (“Committee”) will conduct a hearing (see C.1-2 below).
 - a) The Commissioner or Committee will promptly notify the accused individual or team representative of the accusations in a Notice of Accusation, which will be sent by email and U.S. regular mail.

B. Documentation. The Commissioner or Committee will keep copies of all written communications, and written summaries of oral communications. All oral communications will be confirmed in writing.

C. Fairness. It is crucial to ensure that the disciplinary process, including the investigation or collection of information, be fair to both the accused and the accuser. The collection of information, and the rendering of the SCVA’s decision, will be done objectively.

1. Notice of Accusation. The Notice of Accusation will include the following:

- a. A summary of the accusation(s);
 - b. A statement that the accused individual or team has the right to respond to the accusation(s), accompanied by an explanation of how that person may respond (i.e. by letter, email, telephone, statement of a witness, etc.);
 - c. A description of any immediate actions (such as temporary suspension) that the SCVA may consider to be necessary, in light of the type of accusations – e.g. accusations involving violence or threatening behavior, physical or emotional misconduct, which may include bullying behaviors, hazing or harassment – or significant property destruction;
 - d. The date, time and description of any hearing or conference call scheduled; and
 - e. A statement of the penalty or sanction that may be imposed if, after the hearing, the accusation(s) is deemed to be true.
2. The Hearing or Conference Call. The hearing or conference call shall consist of:
- a. Presentation of the accusation(s), and the evidence in support;
 - b. Response or counter-argument of the accused, and any evidence in support;
 - c. An opportunity for the accused to confront the accuser; and
 - d. A decision rendered by the Committee, taking into account the evidence and testimony provided by both parties.
3. Notice of Decision.
- a. The Committee may render its decision outside the presence of the parties, as long as both sides have had a full opportunity to tell their sides of the story.
 - b. If a decision is made outside the presence of the parties, the parties shall be informed of the decision as soon as possible, in writing (Notice of Decision), by email and U.S. regular mail. If appropriate, the decision may be communicated to both parties by telephone, but it will still be followed by a written Notice of the Decision, as noted above.
 - c. The Notice of Decision will clearly state the decision reached, the reasons for the decision, the relevant policies, the evidence considered, and, if applicable, the penalty or sanction imposed.

- d. The SCVA's decisions (consistent with USAV Participant Code of Conduct) may include, without limitation:
 - i. taking no action at all;
 - ii. financial penalty – assessment of a specific monetary penalty;
 - iii. probation – a warning that further violation of the rules may result in suspension;
 - iv. suspension – removal of eligibility for participation in some or all sanctioned events and activities for a period not to exceed 12 months;
 - v. expulsion – removal of eligibility for participation in some or all sanctioned events and activities for a period of more than 12 months.
- e. The Notice of Decision will clearly outline the appeal process.

4. Appeal Process.

- a. After the parties receive the Committee's Notice of Decision, either party may appeal the decision by requesting review by the SCVA's Board Members.
- b. If a party is not satisfied with the decision rendered by the SCVA's Board Members, the party may appeal the Board Members' decision to the Regional Volleyball Association Assembly ("RVAA").
- c. Final Appeal. In accordance with the USAV Bylaws, a party who has exhausted the SCVA's due process may appeal the SCVA's and the RVAA's decisions to the USAV Ethics and Eligibility Committee for a determination of whether the party received adequate due process. If relevant, an appealing party might be required by the USAV to submit an appeal to an intermediate adjudicating authority of a USAV Commission, Division, or other substructure.

Miscellaneous.

- A. Conflicts of interest: The actual or appearance of a conflict of interest by any individual involved in any level (i.e. SCVA Officer, Committee Member or Board Member) will result in that individual recusing herself or himself, or being replaced for purposes of the relevant matter by the Commissioner, or a designee of the Commissioner.
- B. Private matters: These due process policies are not intended for personal conflicts between clubs or teams and parents or players concerning club, team, or player fees, playing time,

or other matters not directly involving the SCVA, the USAV and the U.S. Center for SafeSport, or their codes and policies. Members are encouraged to informally resolve such personal conflicts without involving the SCVA.

- C. Records: The records of any matter, other than an administrative matter, resulting in a penalty or sanction will be preserved in paper or electronic form for at least three years after expiration of the penalty or sanction. Such records shall include all decisions rendered, and all evidence received or reduced to document form. Informal notes will not be preserved.