



COLUMBIA EMPIRE VOLLEYBALL ASSOCIATION

Sanction, Appeal, & Due Process Policies

AUGUST, 2021

SECTION 1 – SANCTION & APPEAL PROCEDURES

1. Report to Executive Director. Reports of violations of CEVA or USA Volleyball policy must be made in writing to the CEVA Executive Director. To the extent possible and appropriate, the Executive Director may treat the identity of the reporting party as confidential. However, the Executive Director may not guarantee confidentiality to any reporting party.
2. Investigation by Executive Director. Upon receipt of a credible written report of a policy violation, the CEVA Executive Director shall investigate the matter. To the extent possible and appropriate, the Executive Director may treat the identity and statements of witnesses as confidential. However, the Executive Director may not promise confidentiality to any witness.
3. Action by Executive Director. Upon completion of the investigation, the Executive Director may close the matter, refer the matter to the CEVA Board for further consideration, or sanction the parties involved in a violation the Executive Director determines has occurred. The Executive Director may enforce such sanction immediately or suspend enforcement of all or a portion of such sanction pending the running of the time in which to request an appeal or the completion of the appeal process. The Executive Director shall notify sanctioned parties of the determination and action via a **dated letter sent by electronic mail**, certified mail, or by FedEx/UPS to the parties' address on file with CEVA. The Executive Director also shall notify promptly the President of the Board of any action taken under this paragraph. The President shall determine whether to place the matter on the agenda of the next regularly scheduled meeting of the Board.

SECTION 2 – NOTICE OF RIGHT TO APPEAL

The certified letter to the sanctioned party shall include the following information on the appeals process.

1. The sanctioned party may accept the Executive Director's sanction or appeal the decision to the Appeals Board. The sanctioned party has seven (7) business days to deliver in writing **(by electronic mail, certified mail, or by FedEx/UPS)** to the CEVA Executive Director a request to appeal all or a portion of the Executive Director's decision. Requests received by CEVA after seven business days of the date of the Executive Director's letter are untimely and will not initiate an appeal.

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The seven-business day period shall commence on the business day after the date noted on the Executive Director's letter. The letter shall specify a deadline by which an appeal must be filed.

2. The CEVA Executive Director will select an Appeals Board from the CEVA Policy & Appeals Committee. The Appeals Board shall consist of eight (8) CEVA members with no interest or bias in the matter under appeal.
3. The 8-member Appeals Board will be sent to the sanctioned party within one (1) business day of receiving the request for appeal. Upon receipt of this information, the sanctioned party will have two (2) business days to choose five (5) members to hear the appeal, and must send the names of those 5 members back to the CEVA Executive Director. Failure to send information back to the Executive Director within 48 hours voids the appeal and the original sanction stands.

These members shall be referred to as the Selected Committee. The Secretary of the Board of Directors (who is also the Chair of the CEVA Policy & Appeals Committee) shall chair the Selected Committee. The Chair shall preside over the hearing, but shall not participate in decisions of the Selected Committee. The Chair shall not count toward the 5-member limit on the Selected Committee.

4. Within seven (7) business days of the date the appeals request is received, the Selected Committee will hear the appeal. The hearing process is outlined in Section 3. The sanctioned party may appear before the Selected Committee to make a statement, present information or written testimony of witnesses, or respond to questions from the Selected Committee. Counsel may accompany the sanctioned individual(s), but only the sanctioned party may make statements and responses to the Selected Committee; counsel's role is limited to advising their client. The sanctioned party may not send a representative to appear on their behalf.
5. The Selected Committee shall deliberate to a decision either to uphold the Executive Director's sanction, to modify the sanction, or to apply no sanction. A modification can include an increase to the original sanction. Decisions of the Selected Committee shall be by majority vote, if necessary, to reach a decision. In case of a deadlock, the matter shall automatically be referred to the CEVA Board for its review and final action. The Chair of the Selected Committee shall prepare immediately a brief written report to the CEVA Executive Director outlining the basis of its decision and those members dissenting from the decision, if any.
6. The CEVA Executive Director shall inform the sanctioned party of the Selected Committee's decision via a dated letter sent by electronic mail, certified mail, or by FedEx/UPS to the parties' address on file with CEVA. The sanctioned party

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may accept the decision or appeal the decision to the CEVA Board. The sanctioned party has seven (7) business days to deliver in writing (by electronic mail, certified mail, or by FedEx/UPS) to the CEVA Executive Director a request to appeal all or a portion of the Selected Committee's decision to the CEVA Board. Requests received by CEVA after seven business days of the date of the Executive Director's certified letter are untimely and the Selected Committee's decision shall be final. The seven-business day period shall commence on the business day after the date noted on the Executive Director's letter. The letter shall specify a deadline by which an appeal must be filed.

7. Within seven (7) business days of the date the second appeals request is received, the CEVA Board will hear the appeal. Any CEVA Board member with a conflict of interest or bias in the matter may be excused on the member's own motion or upon a majority vote of the remaining members of the board. The sanctioned party may appear before the board to make a statement, present information or written testimony of witnesses, or respond to questions from the board. Counsel may accompany the sanctioned individual(s), but only the sanctioned party may make statements and responses to the Board; counsel's role is limited to advising their client. The sanctioned party may not send a representative to appear on their behalf.
8. The CEVA Board will deliberate to a decision either to uphold the decision of the Selected Committee, to modify that decision, or to apply no sanction. A modification to the sanction can include an increase to the original sanction. The decision of the CEVA Board is final and there is no further appeal.

SECTION 3 – APPEAL HEARING PROCEDURES

1. The body hearing the appeal (either the Selected Committee or the CEVA Board of Directors) shall determine the date and time of the hearing. While each body will work to find a mutually-agreeable date for a hearing, the final decision rests with the Chair of the Selected Committee or, in the case of an appeal to the full Board of Directors, the President of the CEVA Board.
2. The sanctioned party is not required to appear before the body hearing their appeal. The appeals process is voluntary and statements, information, and testimony may be presented in writing.
3. Hearings are closed to the general public. One notetaker (chosen by CEVA, but without a vote in the matter) is permitted to attend. The notetaker shall have no role in the hearing and may not be asked by either party to play any part in the proceedings.

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4. The hearing shall proceed in the manner set forth below. The presiding officer shall be responsible for keeping time of the statements outlined in this section, as well as maintaining order and decorum during the hearing.
 - 4.1 Opening statements, first from the CEVA Executive Director, then from the sanctioned party. Opening statements shall be a maximum of 10 minutes per party.
 - 4.2 Rebuttals, first from the CEVA Executive Director, then from the sanctioned party. Rebuttals shall be allotted a maximum of 5 minutes per party.
 - 4.3 Closing statements, first from the CEVA Executive Director, then from the sanctioned party. Closing statements shall be allotted a maximum of 5 minutes per party.
 - 4.4 Questions from the members hearing the appeal may be directed to either party following closing statements. There shall be no time limit placed on questions and members are entitled to ask as many questions as they wish. The parties may not directly question each other at any time during the hearing.
 - 4.5 The body hearing the appeal will deliberate to a decision in a closed session, without the presence of the CEVA Executive Director, the sanctioned party, counsel, or the notetaker.

BOARD INITIATIVE

At the Board's next regularly scheduled meeting, the Board may decide to take up a matter previously closed by the Executive Director, to cause further investigation into any matter to be undertaken, or to review and modify a sanction accepted by a sanctioned party. A decision by the Board to review a sanction already accepted by a sanctioned party shall entitle the sanctioned party to a hearing before the Board. The hearing will be scheduled no later than 10 business days following the regularly scheduled meeting at which the Board proposed to modify the sanction accepted. Such a hearing will follow the procedures outlined in Section 3.

NOTICE OF FINAL ACTION

A dated letter sent by electronic mail, certified mail, or by FedEx/UPS from the CEVA Executive Director will be sent to the sanctioned party providing notice of the CEVA Board's decision and that there is no further process of appeal.



SCOPE & GROUNDS FOR SANCTIONS

The CEVA Executive Director is empowered to impose sanctions on any member of the association for violations of applicable USAV or CEVA policy.