



## COLUMBIA EMPIRE VOLLEYBALL ASSOCIATION

*Sanctions & Appeals / Due Process Policy*

**UPDATED AUGUST 2023**

### SECTION 1 – TYPES OF VIOLATIONS

1. Administrative Violations. Those that are considered minor and administrative in nature, and do not involve an immediate harm or threat to another person or party. Examples include, but are not limited to, missed officiating assignments, roster violations, or forfeited matches. Administrative violations are adjudicated by the CEVA staff and generally not referred to the E/E Committee.
2. Flagrant Violations. Those that are considered violations of CEVA or USAV Codes of Conduct, or repeated administrative violations by the same individual or club. Examples include, but are not limited to, damage to a facility, physical/verbal intimidation of any individual, or conduct deemed inappropriate in comparison to normally accepted behavior.
3. Major Violations. Those that are considered violations of Safesport Code, MAAPP, major violations of CEVA or USAV Codes of Conduct, or legal infractions. Examples include, but are not limited to, discriminatory actions, hate crimes, bias behavior, possession and/or sale of alcohol, tobacco, or drugs at a sanctioned event, or any offense under Federal, State, or local law.
4. Cases Returned by the US Center for Safesport. Those reports submitted to the US Center for Safesport that the Center declines to exercise jurisdiction on. These cases are typically returned to the region for adjudication.

### SECTION 2 – COMMITTEE MAKEUP

1. The Policy & Appeals (P/A) Committee is chaired by the Secretary of the CEVA Board of Directors. The Committee consists of full adult members of the region who are in good standing and selected by the Secretary of the Board.
2. The Ethics & Eligibility (E/E) Committee is made up of three members of the existing P/A Committee who have no conflict or bias in the matter being considered. This committee may consist of different members each time it is utilized. The Chair of the P/A Committee oversees the work of the E/E Committee but does not play a role in the E/E Committee's decisions.

## SECTION 3 – REPORTING OF VIOLATIONS & ACTION BY E/E COMMITTEE

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 determine the type of violation being reported, and if necessary, 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. The Executive Director has the right to close an investigation, prior to it reaching the E/E Committee, if witnesses are non-communicative or uncooperative, evidence is unable to be obtained, or a report is found to be false. If a matter is closed by the Executive Director, they shall provide a summary of the complaint and the reason for the case closure to the Chair of the P/A Committee.
3. Communication to E/E Committee. Upon completion of their investigation, the Executive Director shall inform the Chair of the P/A Committee of the need to convene an E/E Committee. The Executive Director shall transmit all relevant materials to the E/E Committee once it is selected by the Chair of the P/A Committee. This will include a summary of the original complaint, evidence obtained, witness statements, and other pertinent information.
4. Action by E/E Committee. Upon receipt of investigative information from the Executive Director, the E/E Committee will determine how to proceed. The committee may decide on one of three actions:
  - A. Close the matter.
  - B. Further investigate the complaint in a manner the committee agrees on.
  - C. Sanction the members involved in the complaint. The Committee may enforce such sanction immediately or suspend enforcement of all or a portion of such sanction pending completion of an appeal.

The Chair of the E/E Committee shall notify all 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 Chair of the E/E Committee also shall notify promptly the President of the Board and the Executive Director of any action taken under this paragraph.

## SECTION 4 – NOTICE OF RIGHT TO APPEAL

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

1. The sanctioned party may accept the E/E Committee's sanction or appeal the decision to the full P/A Committee. The sanctioned party has seven business days to deliver in writing (by electronic mail, certified mail, or by FedEx/UPS) to the Chair of the P/A Committee a request to appeal all or a portion of the E/E Committee's decision. Requests received after seven business days of the date of the E/E Committee's letter are untimely and will not initiate an appeal. The seven-business day period shall commence on the business day after the date noted on the E/E Committee's letter. The letter shall specify a deadline by which an appeal must be filed.
2. The Chair of the P/A Committee will select an Appeals Board from the CEVA Policy & Appeals Committee. The Appeals Board shall consist of eight CEVA members with no interest or bias in the matter under appeal. Members of the E/E Committee involved in the case under appeal are ineligible to serve on an Appeals Board.
3. The eight-member Appeals Board will be sent to the sanctioned party within one business day of receiving the request for appeal. Upon receipt of this information, the sanctioned party will have two business days to choose five members to hear the appeal and must send the names of those five members back to the Chair of the P/A Committee. Failure to send information back to the Chair of the P/A Committee 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 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 five-member limit on the Selected Committee.

4. Within seven business days of the date the appeals request is received, the Selected Committee will hear the appeal. The hearing process is outlined in Section 4. 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 E/E Committee'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 Chair of the Selected Committee shall inform the sanctioned party of the 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 may accept the decision or appeal the decision to the CEVA Board. The sanctioned party has seven business days to deliver in writing (by electronic mail, certified mail, or by FedEx/UPS) to the Chair of the P/A Committee a request to appeal all or a portion of the Selected Committee's decision to the CEVA Board. Requests received after seven business days of the date of the 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 letter. The letter shall specify a deadline by which an appeal must be filed.
7. Within seven 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 5 – 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 all parties 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 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.
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.
  - 5.4.1 Opening statements, first from the CEVA Executive Director, then from the sanctioned party. Opening statements shall be a maximum of 10 minutes per party.
  - 5.4.2 Rebuttals, first from the CEVA Executive Director, then from the sanctioned party. Rebuttals shall be allotted a maximum of 5 minutes per party.
  - 5.4.3 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.
  - 5.4.4 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.
  - 5.4.5 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. All parties will be notified of the decision on the following business day by electronic mail.

## **SECTION 6 – APPEAL TO THE RVAA**

A member who has exhausted regional due process may appeal the region's decision to the Regional Volleyball Associations Assembly ("RVAA"). The RVAA Ethics & Eligibility Committee may decide whether the sanctioned member received adequate due process.

## **SECTION 7 – 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.

## **SECTION 8 – COMPLAINT AGAINST CEVA EXECUTIVE DIRECTOR**

If a reported violation concerns the CEVA Executive Director, the matter will be immediately referred to the Board President for investigation. In these cases, the President shall assume the roles listed in Section 3 of this policy. The Board President may delegate this responsibility to another member of the Executive Committee on their own volition or by majority vote of the Executive Committee.