

NORTH TEXAS REGION VOLLEYBALL ASSOCIATION DUE PROCESS PROCEDURE

The North Texas Region – USA Volleyball, Inc. (NTR) has the authority to impose sanctions or penalties on individuals or teams violating NTR Rules pursuant to the Bylaws of NTR. Persons authorized by the North Texas Region to sanction an individual or team include the Regional Commissioner and/or Executive Director, as well as the Officials Coordinator and/or the Junior Coordinator, who each may impose penalties and/or sanctions within their divisions. The due process procedure gives the sanctioned individual or team (“Claimant”) the right to present their version of events, to have the sanction or penalty reconsidered by two separate governing authorities, and a possible third and final appeal on the basis of “Inadequate Due Process” to the governing body of USA Volleyball, Inc.

Initial Action:

Upon receipt of notice (i.e. in person, telephone, email or by Infraction Report) of an alleged incident, the Executive Director or his/her designee shall investigate and collect as much information as necessary to make an objective and fair determination as to whether a penalty or sanction is appropriate.

Penalties and Sanctions may include but are not limited to private reprimand, public reprimand, probation, financial penalty and/or suspension.

Once a decision has been made to administer a penalty or sanction on an individual and/or team, the Claimant will be given written notice by hand delivery, facsimile transmission, electronic mail or other electronic transmission, or by mail, postage prepaid, addressed to Claimant’s address on file. Any notice required or permitted to be given by mail shall be deemed to be delivered at the time when deposited in the US mails. Facsimile or electronic transmission shall be deemed to be “given” upon successful transmission or delivery.

Notice of the proposed penalty or sanction will include the following:

1. A summary of the incident as reported to NTR;
2. A description of the proposed penalty or sanction as proposed by NTR; and
3. Notice of the Claimant’s right to appeal which describes the manner and mandatory dates, by which the appeal must be delivered to NTR.

If Claimant wishes to contest the proposed penalty or sanction, written notice must be provided to NTR within seven (7) consecutive (not “business”) days of Claimant’s receipt of the original proposed penalty or sanction. The deadline on the 7th day will be 5:00pm. Notice must be delivered by facsimile transmission, electronic mail or by U.S. mail, postage prepaid, addressed to the Executive Director at 1004 N Ave., Ste 120, Plano, TX 75074. Delivery is complete when received.

Claimant’s **notice of appeal** shall state Claimant’s desire to appeal the matter to the Regional Commissioner. This notice must contain, (1) the original sanction or penalty and (2) a list of any and all exhibits and witnesses that will be used by Claimant’s in the appeal.

In the event of a conflict of interest with the Commissioner, the appeal will be handled by the Executive Director. In the event of a conflict of interest with both the Regional Commissioner and the Executive Director, the appeal will be handled by the Vice President of the Corporation, followed by the Vice President of Ethics and Eligibility. The person so hearing the appeal is referred to as the Hearing Officer.

Failure to include any of the required information in the notice of appeal will render the reconsideration packet incomplete. Incomplete packets will not be heard or reconsidered and will waive the right to appeal.

The penalty or sanctions will remain in full force until reversed or modified pursuant to the procedures below, except as set forth for Level III.

LEVEL I

Decision: The Hearing Officer has the power to reconsider and affirm, modify, or vacate the proposed penalty or sanction based on the information contained in the Claimant's written appeal. The Hearing Officer's decision shall be rendered within seven (7) days of receipt of the notice by the Executive Director, and thereafter sent to the Claimant within seven (7) days via email and copied via certified mail, return receipt requested.

LEVEL II

Reconsideration: If the Claimant wishes to appeal the decision of the Hearing Officer, written notice shall be provided to NTR within seven (7) days of Claimant's receipt of the Hearing Officer's decision stating Claimant's desire for a hearing on the matter before the Review Committee. This notice must contain (1) the original sanction or penalty, 2) the Hearing Officer's decision, and (3) a list of all exhibits and witnesses that will be used on Claimant's behalf. Failure to include any of the required information will render the reconsideration packet incomplete. Incomplete packets will not be heard or reconsidered by the Review Committee and the decision of the Hearing Officer will be final. Any evidence not previously presented to the Hearing Officer must be provided to the Regional Commissioner not less than 48 hours prior to the time set for the appeal hearing or it will not be considered.

Review committees are established by the NTR Board of Directors and the Panel which will hear Claimant's reconsideration will be comprised of the Vice President of Ethics and Eligibility and the first two voting directors on the Board of Directors as listed in alphabetical order. The Vice President in charge of Ethics and Eligibility will govern the procedure. If the Vice President of Ethics and Eligibility served as Hearing Officer, a third voting director, based on the alphabetical listing, will be added to the voting panel, with the Vice President in charge of Ethics and Eligibility governing the procedure. If one or more of these directors are not able to sit, the next alphabetical director shall be substituted into the panel and so on and so forth until the panel is complete. Each panel may hear up to three (3) reconsiderations in a session.

The panel will call a hearing within two (2) weeks of receiving the Reconsideration request from Claimant and conduct the hearing in person unless requested or agreed by the Claimant to conduct the hearing via teleconference. All efforts should be made to find a hearing date which is agreeable for all parties. However, the Review Committee has the right to set the date for hearing.

At the hearing:

- i. The person who originally imposed the sanction or other person selected by the Regional Commissioner shall present evidence on behalf of NTR.

- ii. The Claimant shall have the opportunity to fully respond, including the presentation of evidence and the ability to cross examine anyone called by the panel to present the supporting evidence concerning the sanction or penalty.
- iii. The hearing procedure shall be under the direction of the Vice President in charge of Ethics and Eligibility and the hearing will be recorded on audio by NTR, or an individual at the direction of NTR. The recording shall be retained in the records of NTR. An audio copy of the recording will be provided to Claimant upon request.
- iv. The Claimant will have the burden of proving that the sanction was improper or should be modified.

The review panel will have twenty four (24) hours to reach a decision on the reconsideration. This decision will be delivered to the Claimant via email and a copy via certified mail, return receipt requested, within five (5) days after the decision was reached by the review panel. The decision of the panel is the final action that will be taken by NTR.

If Claimant desires to have legal representation present at any hearing; written notice must be submitted to the NTR office at least five (5) days before a scheduled hearing. In such case, NTR has the right to reschedule the hearing to accommodate the NTR legal counsel to be present. Any request of Claimant to meet with NTR officers or board members in the presence of Claimant's legal counsel requires written notice of at least five (5) days. NTR officers or board members may, but have no obligation to discuss any sanctions with Claimant or legal counsel outside any scheduled hearing. NTR maintains at all times the right to decline to discuss matters with any legal counsel of Claimant, without NTR's legal counsel present.

LEVEL III

Further Appeal for Inadequate Due Process: Upon determination by a decision maker at any level that adequate due process was not accorded in regard to a disciplinary action which was taken or recommended, the action or recommendation shall be suspended until adequate due process has been provided either by remand or at the current level of review; provided, however, that if there is any risk of physical harm or significant financial loss, the disciplinary action shall remain in effect until or unless the subsequent due process results in a determination that the disciplinary action should end or be modified. Until there is a finding of inadequate due process, a disciplinary action or recommendation shall remain in effect. Appeal on the basis of Inadequate Due Process will be made to USA Volleyball, Inc.