

#### **XIV. 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, Adult Coordinator, and/or the Junior Coordinator, who each may impose penalties and/or sanctions within their divisions. Upon receipt of notice of an alleged incident, the Executive Director or his/her designee shall investigate and collect as much information as necessary to make the objective and fair determination as to whether a penalty or sanction is appropriate. Penalties and Sanctions shall include but not be limited to private reprimand, public reprimand, probation, financial penalty and/or suspension. The individual or team sanctioned will have due process rights pursuant to the section XVII of the bylaws as further set forth supra. The due process procedure will grant the individual or team sanctioned (“Claimant”) the right to present their version of events, to have the sanction or penalty be reconsidered by two separate governing authorities with a third and final appeal of “Inadequate Due Process” to the governing body of USA Volleyball, Inc.

- A. Notice: After proposition of a penalty or sanction, NTR will notify the Claimant in writing via email and copied via certified mail within seven (7) days. Oral notice will not suffice. Written notice of the proposed penalty or sanction will include the following:
  - 1. Summary of the incident as reported to NTR;
  - 2. Description of the proposed penalty or sanction as proposed by NTR;
  - 3. Notice of the Claimant’s right to appeal and the form, both substantially and with mandatory dates, by which the appeal shall be delivered to NTR.
  
- B. Right to Contest: If the Claimant wishes to contest the proposed penalty or sanction, written notice shall be provided to NTR within seven (7) days of Claimant’s receipt of the original proposed penalty or sanction on Claimant’s desire for a hearing on the matter before the Regional Commissioner (or Executive Director in the event of a conflict of interest with the Commissioner, if a conflict occurs with both the Regional Commissioner and the Executive Director, the first VP.) This notice must contain the original sanction or penalty and a list of any and all exhibits and/or witnesses that shall be used on Claimant’s behalf in Claimant’s appeal. Failure to include any and all of the required information will render the reconsideration packet incomplete. Incomplete packets will not be heard or reconsidered by the Regional Commissioner. The Regional Commissioner 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 Regional Commissioner’s decision shall be sent to the Claimant within seven (7) days via email and copied via certified mail, return receipt requested. Failure to notify the region within the prescribed time will render the original proposed penalty or sanction final.
  
- C. Reconsideration: If the Claimant wishes to appeal the decision of the Regional Commissioner, written notice shall be provided to NTR within seven (7) days of their receipt of the Regional Commissioner’s decision on Claimant’s desire for a hearing on the matter before the Review Committee. This notice must contain the original sanction or penalty, the Regional Commissioner’s decision and a list of any and all exhibits and/or witnesses that shall be used on Claimant’s behalf in Claimant’s review hearing. Failure to include any and all of the required information will render the reconsideration packet incomplete. Incomplete packets will not be heard or reconsidered by the Review Committee.
  - 1. Review committees are established by the NTR Board of Directors and the Panel which will hear Claimant’s reconsideration will be comprised of the VP of Ethics and Eligibility

and the first two individuals on the Board of Directors as listed in alphabetical order as voting panel members with the Vice-President in charge of Ethics and Eligibility governing the procedure. If one or more of these members are not able to sit, the next alphabetical member 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.

2. The panel will call a hearing and conduct the hearing in person unless requested or agreed by the Claimant to conduct the hearing via teleconference.
  3. The person who originally imposed the sanction shall present evidence on behalf of NTR
  4. The Claimant shall have the opportunity to respond with full evidentiary procedure, presentation of evidence and the ability to cross examine anyone called by the panel to present the supporting evidence concerning the sanction or penalty.
  5. The hearing shall be conducted with the authority of the panel, under the direction of the Vice-President in charge of Ethics and Eligibility and the hearing shall be recorded by audio by NTR or an individual at the direction of NTR which shall be retained in the records of NTR. An audio copy of the recording will be provided upon request.
- D. The review panel will have twenty four (24) hours to reach a decision on the reconsideration. This decision shall 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 on behalf of NTR.
- E. Further Appeal for Inadequate Due Process: Upon determination at any level that adequate due process was not accorded at a lower level in which disciplinary action was taken or recommended, the action or recommendation shall be suspended until or unless 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 or unless 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.