



NERVA Due Process and Grievance Procedure

Introduction

It is the responsibility of the New England Region Volleyball Association Board of Directors to administer volleyball within the New England Region. On occasions when region members may violate, or be accused of violating, region rules/policies as spelled out in the Region Policies, Operating Codes, United States Volleyball Association rules as described in its Handbook and Guide, or the USA Volleyball Code of Conduct for players or coaches. Such alleged violations may require action by the Region. These due process rules are hereby established to protect the due process rights of any accused member of the Region, the safety of Region members, and the integrity of the Region.

Routine Matters

Some actions or alleged actions by individuals or teams result in automatic sanctions in accordance with the Region/USA Volleyball Policies (e.g. failure to provide work officials for matches, ...) The appropriate officer of the Region (e.g. the Chairman of Referees, Adult Commissioner, Juniors Commissioner...) or the Regional Commissioner, after considering the evidence of wrongdoing, may administer such automatic sanction. If there is no clearly appropriate Board officer, the Commissioner shall administer the automatic sanction.

The Commissioner or Division Board, after considering the evidence, shall have authority to impose sanctions for routine wrongdoings by Region members not otherwise provided for by Policies or Operating Codes (e.g. minor damage to equipment or facilities...) For serious matters, unless the safety of Region members is at risk, physical or other substantial injury has resulted, or the accused was clearly caught in the act of a serious wrongdoing relevant to volleyball, no penalty, sanction or fine shall be imposed against the accused without a review by the appropriate Division Board. In the instances cited, however, a temporary sanction may be imposed by the Commissioner or designee after careful consideration of the evidence and situation; any such action shall be stated in writing delivered (emailed) to the accused.

The first level of appeal from sanctions for routine matters shall be to the Regional Commissioner, who may request that such appeal be in writing. The Commissioner may either rule on the appeal or delegate the appeal to an Appeal Board (as described below) for more formal consideration. If the Commissioner rules on the appeal and the relevant person or team wishes to appeal further such appeal shall be to the Appeal Board.

Serious Matters and Appeals from Decisions on Routine Matters

An Appeal Board consisting of three persons from a Division Board not involved in the original sanction, and the Regional Commissioner. They shall have responsibility for acting on alleged wrongdoings of a serious nature by Region members or for appeals from sanctions for wrongdoings otherwise deemed

routine. The Regional Commissioner shall chair the Review Board and shall only be a voting member in the case of a tie unless he or she ruled on the first level of appeal from a sanction for a routine matter; in the latter case, the Commissioner shall remain the administrative chair of the Review Board but shall not be a voting member.

For matters to be considered by the Review Board, notice shall be provided to the accused in writing (email) as soon as reasonably possible. Oral notice may precede written notice for expediency. Written notice shall include a copy of these due process procedures and shall describe the alleged wrongdoing, the range of possible sanctions, and shall suggest a date, location and method (in person or by telephone conference if acceptable to the accused) for the hearing. The date and location shall be established as much as reasonably possible to accommodate the accused. If the accused does not cooperate in establishing such date and location, the Review Board shall schedule the hearing at its convenience and the accused shall be so advised in writing.

The exact format of the hearing may vary as arranged with the accused but it generally shall include an initial statement summarizing the allegations, presentation of evidence of the alleged wrongdoing and a presentation of evidence of innocence or of mitigating circumstances.

After the hearing concludes, all interested parties shall be dismissed and the Appeal Board shall consider and discuss the evidence. As soon as possible after the hearing (but not necessarily the same day), the Appeal Board shall reach a decision which it shall formalize in writing delivered (emailed) to the accused. A decision of a majority of the Appeal Board members shall control, and any dissent shall be noted in the written appeal. The decision of this Appeal Board will be considered final.

An appeal hearing shall occur within thirty days after notice of intent to appeal has been mailed, unless the appellant and Regional Commissioner agree otherwise. Any decision and sanction of the Division Board shall remain in effect until the appeal hearing.

Miscellaneous

The Appeal Board is not a court of law, but rather, a non-profit private group of volleyball players, coaches and organizers elected by the Region membership to administer volleyball within the Region. It is the duty of the Appeal Board to strive to obtain just and fair results when a Region member or team is accused of wrongdoing relevant to volleyball within the Region. As a private body the Appeal Board does not follow the Federal Rules of Evidence but shall accord weight to evidence based on its substance and on common sense. Note that the Division and Appeal Boards have the authority to suspend membership privileges for more than one year.

The United States Volleyball Association now provides that the only appeal from a decision of the Region Board shall be to the United States Volleyball Association National Ethics and Eligibility Committee and only for a determination of whether the accused received due process.

If an individual relocates into the Region, or a team attempts to register in the Region, subject to the sanctions of another Region which has a procedure for appealing from sanctions, the New England Region shall respect and observe the other Region's sanction for the balance of its term (regardless of whether the individual or team exercised such appeal process).

NERVA Due Process Flowchart

