

VIII. Violations of Codes/Policies and Due Process

A. INTRODUCTION

It is the responsibility of the Keystone Regional Volleyball Association Board with the support and aid of the Regional Office to administer volleyball within the Keystone Region. The following policies and procedures shall apply to matters involving any and all disputes concerning alleged violations of codes or policies created by the Keystone Regional Volleyball Association Board of Directors applicable to Region members as defined in the Region's Operating Codes and By Laws and by USA Volleyball ("USAV"). Such codes and policies include without limitation: codes and policies established by the Keystone Board, a Region Division Chair, or the Region Office. Codes and policies are contained in the Region Documents or otherwise published (paper, web site or email sent by the regional office) and available to Region members; the USAV Code of Conduct; USAV Coaches' Code of Conduct; and USAV or Region tournament text, forms or manuals.

For the purposes of this process, the following definitions will apply.

Mediation: An attempt to bring about an amicable settlement or compromise between the parties through the objective intervention of a neutral party.

Arbitration: The process by which the parties to a dispute submit their differences to the judgment of an impartial person selected under the applicable rules of the arbitration service utilized.

B. COMPLAINT PROCEDURE

1. When a dispute arises or a Region member has violated or is being accused of violating a code or policy, such disputes and/or violations may require action by the Region. Upon receipt by the Commissioner of notice of possible disputes or violations, the relevant Region Officer (as determined by the Region Commissioner or objective designee) shall promptly investigate and may take appropriate action, if any, as suggested by the facts, precedent, or published policies and procedures. Any such decision shall be communicated as soon as possible to the affected individual, team, or club in a Decision Letter as described below and transmitted by a form of verified delivery. Such writing shall describe the alleged violation or dispute; the decision; the evidence considered; the code, policy, or procedure deemed violated; the action taken, if any; and procedure for appeal if desired.

2. The Region's purpose is to promote the development and growth of volleyball. The BOD, with the support and aid of the Regional Office, will serve its members and foster the growth of all aspects of volleyball. It is not a judicial entity. The Region's policies and procedures are in place to protect and preserve the rights, privileges, and integrity of Regional Members and sanctioned activities objectively and fairly. It is the duty of the Region Board 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 Region Board does not follow the Federal Rules of Evidence but shall accord weight to evidence based on its substance and on common sense.

3. The Region's procedures for complaints, fines, sanctions, and due process shall not apply to conflicts between clubs or teams and parents or players concerning club, team, or player fees, playing time, or other matters not directly involving the Region, USAV, or their codes and policies unless the safety of an athlete is a concern.

4. Timeliness: For the best interests of all parties, reasonable timeliness shall be a priority at all levels of consideration.

5. 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 immediate penalty, sanction, or fine shall be imposed against the accused. In the exceptions cited, however, the Commissioner, after conferring with the executive board, may impose a temporary sanction after careful consideration of the evidence and situation. Any such action shall be stated in writing delivered to the accused.

6. If an individual moves into the Region, or a team attempts to register in the Region, subject to the sanctions of another Region which offers due process and has a procedure for appealing from sanctions, the Keystone 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).

C. DECISION LETTERS

A Region Officer shall prepare a letter to the accused party summarizing the allegation precipitating the matter, the relevant policies and code sections, the evidence considered, the decision reached, and, if a sanction is imposed, the process for appeal. Decisions shall be made as soon as possible after a matter is opened and a notification letter to an accused party shall be prepared and transmitted by United States Postal Service, Certified Letter and email promptly thereafter.

D. PENALTIES/FINES

The Commissioner, the Board of Directors, or a Division Chair, as appropriate, shall have the right to determine and assess Disciplinary Options for all disputes, violations of Region or National Rules of conduct, ethics and eligibility, posted region policies and rules in region manuals including, but not limited to the potential illustrative list of sanctions:

1. Admonition: Formal or Informal Warning;
2. Probation: Subject to such terms and conditions as may be proscribed;
3. Penalties/Fines:
 - a. Up to \$100.00 per person, per event,
 - b. Up to \$150.00 per team; and/or
 - c. Up to \$300.00 per club.

All fines must be paid to the Region through the Regional Office. The Region will pay the fine into one of the Region's grant giving funds. Unless otherwise directed, any player, team or club having unpaid fines, will have their membership suspended until such fine(s) are paid in full, or maintained on an installment payment plan as approved by the Commissioner. Team or Club unpaid fines are the responsibility of the club director and their administrators. Those memberships are subject to suspension for unpaid fines.

4. Predefined sanctions (Minimum, but not limited to, depending on severity, or number of offenses):
 - a. Missing work assignment:
 - i. First occurrence: \$75 per team/per work assignment.
 - ii. Second occurrence same season: \$150 per team/per work assignment and a 2- month suspension of head coach.
 - b. Coach not IMPACT certified on bench: Probation of club director and a 2 month suspension of coach unless within "grace period" as defined in operating codes.
 - c. Electronic voting violation as defined in the electronic voting document.
 - d. Conflict of Interest violation: 3-month suspension.
 - e. Code of Ethics violation: maximum suspension as defined by the operating codes, plus maximum fine as defined by the operating codes.
 - f. Missing tournament without notifying TD at least 3 days in advance: forfeiture of fee, plus \$100 fine.

5. Suspension: Individuals, clubs or teams may be suspended from:

- a. EVENTS: any or all specific Region run or sanctioned event(s) for a period of up to one year.
- b. MEMBERSHIP PRIVILEGES. Suspension of ALL KRVA (USAV) Membership privileges for a period of up to three (3) years.
- c. SUBSEQUENT OFFENSES. For second and subsequent offenses, suspensions of up to one additional year for each offense may be added, to be served consecutive to any prior unexpired suspensions.
- d. NATIONAL REPORTING. Any suspension of membership privileges will be reported to the National Office of USA Volleyball, and to all USA Volleyball Regions for enforcement purposes. Under USAV rules, suspension in a member's home region renders the individuals, teams or clubs ineligible for membership in a Regional Volleyball Association, or for any USAV registration.
- e. LIFETIME INELIGIBILITY. Major misbehavior, (e.g. verbal or physical abuse of a child, sexual harassment, etc.) may subject the violator to immediate lifetime ineligibility for Regional Volleyball Association membership and USAV Membership Registration.

E. CONTINUITY OF SANCTIONS

Once due process has been completed and sanctions have been duly assessed by the presiding KRVA Board or individual member, no subsequent Board or Board member shall be empowered to rescind, pardon, or otherwise set aside the sanctions imposed.

F. APPEALS

1. The decision of a Region Officer or KRVA Board of Directors may be appealed by the accused party. All appeals must be submitted in writing sent by certified letter from United States Postal Service to the Region Office and by email to the Regional Commissioner. Notification of the appeal must be received by the Office within ten (10) days after receipt of the Decision Letter by the accused party. The accused party must also submit a \$1,000.00 deposit to begin the appeal process.
2. The appeal shall be heard by National Arbitration and Mediation service, or its successor. Upon receipt of the appeal and a \$1,000.00 deposit, the Region shall proceed by forwarding the appeal to National Arbitration and Mediation service, or its successor.
3. Upon the filing of any appeal, the Region and the parties to the appeal shall first endeavor, in good faith, to resolve the issue(s) amicably by way of a telephonic conference call, or face-to-face meeting. In the event that the appeal is not resolved by the relevant parties to the appeal after the telephonic conference call or face-to-face meeting, the appeal shall first be referred to mediation pursuant to the clauses set forth in Paragraphs below.
4. The Region and the parties to the appeal shall cooperate with National Arbitration and Mediation service, or its successor, and with one another in selecting a mediator from the service's panel of neutrals and in scheduling the mediation proceedings. The Region and the parties to the appeal agree that they shall participate in the mediation in good faith and that they shall share equally in the mediation's costs.
5. All offers, promises, conduct and statements, whether oral or written, made in the course of the good faith resolution provisions of Paragraph 3, above, or in any mediation session by any of the parties to the appeal, the Region, as well as by their respective agents, employees, experts and attorneys, and by the mediator, or any of the mediator's employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any arbitration or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.
6. Any party may proceed to arbitration with respect to the matters submitted in the appeal at any time following the initial mediation session, or at any time following 45 days from the date of filing the appeal with National Arbitration and Mediation service, or its successor, whichever occurs first ("Earliest Initiation Date"). The mediation may continue after the timely

commencement of arbitration under this Paragraph F.6., if the parties so desire.

7. At no time prior to the Earliest Initiation Date shall any party proceed to arbitration or litigation, except to pursue a provisional remedy that is authorized by law, by the National Arbitration and Mediation service, or its successor's Rules, or by agreement of the parties. However, this limitation is inapplicable to a party if the other party refuses to comply with the requirements of Paragraph F.4. above.
8. The appeal shall be decided by arbitration conducted by a single arbitrator. The arbitrator shall issue his or her decision by way of a written award. The judgment on the award rendered by the arbitrator shall be considered binding on all parties, and may be entered in any court having jurisdiction thereof.
9. The Region and parties to the appeal shall maintain the confidential nature of the arbitration proceeding and the award, including the Hearing, except as may be necessary to prepare for or conduct the arbitration hearing on the merits, or except as may be necessary in connection with a court application for a preliminary remedy, a judicial challenge to an award or its enforcement, or unless otherwise required by law or judicial decision.
10. Any such award shall be communicated as soon as possible to the Region and the parties to the appeal. Such award shall particularly describe the decision to uphold or dismiss any previously applied sanctions.
11. If in the arbitration, only, the appeal is successfully granted to the affected party, the \$1,000.00 deposit will be returned in full, and any additional sanctions or fines that were a result of the initial ruling will be reversed and/or refunded. If, however, the appeal is denied, the deposit will be used to cover the cost of the arbitrator's fee. If the resulting cost is higher than the deposit, the party will be responsible for any required additional amount. If the cost of the arbitration is less than the deposit, the balance will be returned to the party. Should the arbitrator fully reverse, in each and every aspect, the action, sanction or position of the Region, the Region shall bear the entire cost of the process and the deposit shall be refunded in full to the appealing party. For any decision by the arbitrator, on which there is not a substantially prevailing party, the cost of the arbitration shall be divided equally between the appealing party and the Region.
12. The arbitration and the rights of the Region and parties to the appeal hereunder shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania, exclusive of conflict or choice of law rules.

13. The Region and the parties to the appeal agree that any arbitration conducted pursuant to the terms of this Operating Agreement shall be governed by the Federal Arbitration Act (9 U.S.C. §1-16).

14. Nothing set forth herein shall be used, or construed, to bar the Region or a party to the appeal from seeking emergency injunctive relief in a court of competent jurisdiction to pursue a provisional remedy to redress immediate irreparable harm.

G. FINAL APPEAL

The United States Volleyball Association 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.