

BADGER REGION VOLLEYBALL ASSOCIATION

ETHICS & ELIGIBILITY POLICY AND PROCEDURES

Approved March 18, 2022 by the Badger Region Board of Directors

The purpose of the following policy and procedures is to review complaints, policy infractions and incidents within the Badger Region (“Region”). This shall be done with the utmost fairness, confidentiality and diligence. The Ethics and Eligibility (“E&E”) Committee and the Board of Directors (“BOD”) will follow due process and complete the review in a timely manner. All parties will be kept informed of the process by the designated committee chair, where applicable.

The Region promotes initiatives for safe, structured and fun life-long volleyball experiences. It is not a judicial entity. These policies and procedures have been created to protect and preserve the rights, privileges and integrity of the Region and its members and Region activities objectively and fairly.

Article I – Notification of Complaint

Upon receipt of a complaint by an individual, member or concerned party to the Region, either in writing or (in limited circumstances) via a documented conversation to the Executive Director, which shall be followed up by the complainant in writing, the Executive Director shall determine if the incident meets the standards to bring such complaint to the E&E Committee or if the matter is an Administrative Violation (as defined in Article II below). It is preferred that all complaints are filed through the form on the Region website for consistency and transparency, absent evidence of a case of hardship in doing so.

If the result of the complaint is determined to be an Administrative Violation, the designated staff member will send an infraction notice to the club and/or member involved in the incident, in accordance with the progressive sanction scale outlined in Article III of this document. Any club and/or member receiving an infraction notice may appeal to the E&E Committee for review. Repeated administrative infractions may result in the forming of an E&E Committee for a Flagrant Violation.

If the infraction does warrant a complaint being brought to the E&E Committee by being determined as a Flagrant or Major Violation, the Executive Director shall notify the BOD Vice President, who will serve as chairperson and choose two Region members who do not have a conflict of interest to form the committee. The chairperson will notify the respondent (the person being accused of breaking policy) within five business days of receiving the infraction. This will be done in writing (electronically and/or via certified mail) and the chairperson, at their discretion, may telephone the respondent if it could be considered an urgent matter. The communication should include:

1. A summary of the complaint
2. Request for written acknowledgement of receipt of information, within five business days. If not received in writing, respondent’s membership may be placed on immediate hold pending acknowledgement and subsequent investigation.

3. A timeframe in which the respondent must respond to the infraction in writing to the E&E Committee. A statement may be taken over the phone; however, it must be followed by a written communication by the respondent. The committee shall inform the respondent of the necessary documentation needed for a complete investigation to occur.
4. A description of any immediate action (sanctions) taken, if any.

The E&E Committee has 20 working days after receiving all relevant information to complete the initial investigation and render a Decision Letter. If the respondent does not provide acknowledgement or written response to the infraction within the allotted timeframe, the E&E Committee will render a decision based on the information gathered, acknowledging that the respondent chose not to provide additional information.

Article II – Types of Incidents / Complaints

These policies and procedures shall apply to matters involving alleged violations of codes of conduct or other policies created by the Region or Region BOD, USA Volleyball or any legal entity.

Matters covered by the Region E&E process shall be divided into three categories:

1. Administrative Violations: These include but are not limited to minor and administrative violations of policies and procedures that do not involve harm to another person or entity or are non-threatening.
2. Flagrant Violations: These include but are not limited to repeated Administrative Violations, non-threatening violations of behavioral codes of conduct for the Region and/or USA Volleyball, spectator codes of conduct, facility rules, or any violations that occur at another Region's event or a National event.
3. Major Violations: These include but are not limited to alleged conduct in major violation of behavioral codes (either published or societal), USA Volleyball or Region Codes of Ethics, Spectator Codes of Conduct, any SafeSport Codes of Conduct or policies or legal infractions.

Unless the physical or significant financial safety of Region members, any individual, or the Region itself is threatened, the subject of alleged wrongdoing shall be presumed innocent until or unless the investigation which follows proves otherwise. If deemed a threat to emotional, mental, or physical well-being of others, the respondent may be suspended or removed from certain activities pending a completed investigation.

Article III – Sanctions

The E&E Committee shall determine the length of time for sanctions for the specific offense. Subsequent offenses within one year shall have additional sanctions imposed. That is, if you receive a letter of warning or probation, or a Decision Letter from the E&E Committee, it will be in effect for one year from the date of acknowledgement of the notification by the respondent. Therefore, if there is another offense during that year period, it will be the second offense with escalated sanctions. The new year for the possible third offense begins from the acknowledgement of the second offense notification by the respondent.

While not able to be used to escalate the offense number within the year period, any information and/or Decision Letters on prior violations may be used to establish a repeated history of violations throughout membership with the Region.

A third offense of a Flagrant Violation or a second offense of a Major Violation will result in an expulsion of more than five years, up to a lifetime ban.

Please note that the Region must accept and enforce any sanction passed down from USA Volleyball or the U.S. Center for SafeSport, and will form an E&E Committee to review any sanction passed on by another Region or another volleyball entity.

Sanctions can be combined (ex: a warning and a fine) and include, but are not limited to:

1. Warning (Staff and/or E&E Committee): Administrative or minor Flagrant Violation, admonition against a repeat violation.
 - a. Examples: Failure to pay team fees, tournament sanction fees, register as a club with necessary information. Making offers before the applicable tryout period. Proof of badmouthing clubs, players, coaches, officials or individuals. Not adhering to safety precautions.
2. Fine (Staff and/or E&E Committee): Administrative or minor Flagrant Violation sanction for violation of a policy.
 - a. Examples: Missing a reffing or playing assignment. Using players / coaches without the proper credentials (valid membership, background screen, SafeSport, Impact, etc.).
3. Probation (E&E Committee): Decision for repeated Administrative Violations, or Flagrant Violation. Can include remediations such as volunteering or community service, apology letters, mandatory education to address infractions or other act of service to educate.
 - a. Examples: Repeated administrative violations. Violation of tryout or retention period policies. Knowingly playing a player down at an incorrect age level. Minor violations of Codes of Conduct. Minor damage to a facility. Emotional harm to another individual not rising to the level of a SafeSport violation.
4. Suspension (E&E Committee): Decision for removal of respondent from participation in events, programs, activities for a specified period of time, up to one year from date of receipt Decision Letter by respondent (receipt of which shall be deemed to be three (3) days following mailing of Decision Letter). Can include remediations such as volunteering or community service, apology letters or other act of service to educate.
 - a. Examples: Further violations while on probation, having a club admin who is not safety screened, repeated or multiple administrative or flagrant complaints, including regarding poor sportsmanship, mistreatment of athletes, coaches, referees or any other individual at a sanctioned event, any code of conduct violation, including but not limited to bullying, harassment, sexual misconduct such as inappropriate jokes or materials distributed or shown to minors, or those

in a position of lesser power (official to work team, coach to player, coach to assistant coach), even if both are considered adults.

5. Expulsion (E&E Committee): Decision where membership is revoked and the individual is not allowed to participate in any sanctioned events. Depending on the severity of the offense and the number of offenses, participation could be limited for up to five years.
Examples: Violations such as sexual misconduct or abuse. Any action that does not rise to a SafeSport issue but is not consistent with USA Volleyball Codes of Conduct.
6. Banned (E&E Committee): Decision where an individual is no longer allowed to participate or attend any sanctioned event. Can be applied to membership, or where violations occur at a region-sanctioned event and involves a non-member.
Examples: Major violations of Codes of Conduct, repeated or flagrant harassment of officials, coaches, players or other individuals at a sanctioned event that require police involvement, any felony involving misconduct against children or violence.

All sanctions will be documented in writing to the respondent, with a copy to the Executive Director for record keeping. All sanctions are subject to the appeal guidelines outlined in this policy.

Article IV – Procedures for Violations

ADMINISTRATIVE VIOLATIONS

Upon receipt by the Region of notice of a possible violation of administrative procedures, the Executive Director or designated staff member shall promptly investigate and 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 decision; the evidence considered; the code, policy, or procedure deemed violated; the action taken, if any; and procedure for appeal if desired. A copy of the Decision Letter shall be sent to the respondent and to the Executive Director for record keeping.

FLAGRANT / MAJOR VIOLATIONS

Upon receipt by the Region of notice of a possible flagrant or major violation, the Executive Director or designated staff member shall promptly send any and all relevant information, including but not limited to submitted information, contact information and any information on prior E&E matters, whether administrative or flagrant / major, to the Vice President (VP) of the BOD. The VP will serve as the chair of the committee and will select two additional Region members who do not have a conflict of interest to serve on the E&E committee. If the VP has a conflict of interest, the Secretary will serve as the Chair of the E&E.

The Chair shall provide prompt written notice of the allegation to potentially affected parties. The E&E committee then shall promptly investigate the allegation by interviewing relevant witnesses and parties, including and especially the accused party, obtaining relevant documents, if any, and other relevant evidence and identifying relevant codes or policies, documenting everything in written format. Within 20 business days, the E&E Committee shall determine what

action, if any, to take. Any such decision shall be communicated within 25 business days 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 decision; the evidence considered; the code, policy, or procedure deemed violated; the sanction imposed; and procedure for appeal if desired. A copy of the Decision Letter shall be sent to the respondent and to the Executive Director for record keeping.

The E&E Committee may make an initial decision for any incident requiring immediate action, before an investigation is complete, or rising to the legal or SafeSport level where a full investigation is not allowed by Region staff or those involved in the E&E process. The respondent will follow the ruling until the E&E Committee completes the investigation or further action is given by law enforcement or the U.S. Center for SafeSport. These are serious or major offenses to region policy or federal, state and/or local laws. These generally involve considerations of safety such as child endangerment, child molestation or abuse, sexual harassment or abuse, violence, property damage and destruction, abuse or physical harm. In these instances, the Region may convey Interim Measures while law enforcement and the U.S. Center for SafeSport conduct an investigation. Interim Measures are temporary measures put in place and will be fact-specific based upon the allegations, but may include temporary suspension of membership and participation in specific or all Region events, pending resolution of any investigation.

DECISION LETTERS

The Executive Director or designated staff member (for Administrative Violations) or the E&E Chair (for Flagrant / Major Violations) shall prepare a letter to the accused party summarizing the following:

- a. the allegation precipitating the matter;
- b. the relevant policies and/or code sections respondent has allegedly violated;
- c. the evidence considered;
- d. the decision reached; and
- e. the process for appeal in the event a sanction is imposed or requirements for return to participation are put in place.

Decisions shall be made within 20 business days after a matter is opened, and letters to an accused party shall be prepared and transmitted by verified delivery within five calendar days thereafter.

Article V – Decision Appeals

Written appeals pertaining to a Decision Letter shall be directed to the Executive Director within 10 calendar days from date of issuance, and should contain the reason for the appeal with supporting evidence. The Respondent cannot appeal a Decision Letter if they have not participated in the investigation. The Executive Director will pass all relevant information on to the BOD President (or another member of the BOD who was not previously involved nor who has a conflict of interest), who will serve as the chair of the E&E Appeals Committee. As soon as possible, the Chair shall identify two other objective (and previously uninvolved) Region members to serve with the Chair as a three-person Appeals Committee to consider the appeal. The Appeals Committee promptly shall consider the appeal, materials submitted by the

appealing party, materials submitted by the E&E Committee who made the initial decision, testimony requested by the appealing party or solicited by the Committee in pursuit of an objective review, and any other information or documentation sought by the Committee in such pursuit.

The Committee may hold an informal hearing at the convenience and request of the potentially affected party or may conduct electronic/telephonic conferences with instant and open communication and debate. If a hearing is requested, the appealing party shall be informed of the identity of any persons who will present live testimony. If testimony or statements have been provided in advance of a hearing, the appealing party shall have the right to review and respond to copies or summaries (e.g., of an oral statement) of the same. The Committee shall endeavor to reach a decision as soon as possible after collecting or receiving all reasonably available and pertinent evidence or following completion of a hearing. Witnesses need not swear oaths but shall be reminded of the need for truth and objectivity. In its decision, the Committee may accept, reduce, expand, or completely void the sanction originally imposed. The Committee's determination shall be transmitted to the appealing party in the form of a Decision Letter as described above.

Appeal to the Region Board of Directors

The decision of an E&E Appeals Committee may be appealed to the Region Board of Directors, but only for a determination of whether the appealing party received due process as described herein. Such appeal will be chaired by the BOD Legal Representative or outside counsel should the BOD Legal Representative have a conflict of interest. A Board finding of inadequate due process and, (absent a violation of Region policies or procedures or a potential threat of physical, emotional, mental and/or financial harm to an individual, team, club, or the Region), shall void any sanction in effect. In such event and if the Board so determines, the matter may be remanded to an entirely new Ethics and Eligibility Committee for prompt reconsideration of the original appeal but only for the elements that were inadequate in the initial determination.

Final Appeal

In accordance with the USAV Bylaws, a party who has exhausted Region due process may appeal the Region's decision to the Regional Volleyball Associations Assembly ("RVAA," comprised of a principle representative from each of the 40 Regions of USAV) Chair and its Ethics & Eligibility Committee for a determination of whether the party received adequate due process.

Appeal Timeline

The decision of an Administrative or Flagrant / Major Violation may be appealed by writing to the Executive Director within ten (10) calendar days after the date on the Decision Letter. The application of due process by the E&E Appeals Committee may be appealed to the Region Board of Directors by writing to the Executive Director within ten (10) calendar days after the date on the Decision Letter. The decision of the Board (unless remanded) may be appealed through USAV due process as provided in the USAV Bylaws.

Article VI – Miscellaneous Information

Conflicts of Interest: The actual or appearance of a conflict of interest by any individual involved in any level (whether staff member, Committee Chair or member or BOD member) must result in that individual declining appointment, resigning or being replaced for purposes of the relevant matter, including but not limited to, participating in the investigation (except to convey information to the committee) or being privy to any details surrounding the investigation, outcome or appeals.

Records: The records of any matter other than an administrative matter resulting in a sanction shall be preserved in electronic form for at least 10 years after expiration of a sanction and should be forwarded to the Executive Director for record keeping. Such records shall include all decisions rendered and all evidence received or reduced to document form. Intermediate communications and informal notes need not be preserved.

Timeliness: For the best interests of all parties, reasonable timeliness shall be a priority at all levels of consideration. All Flagrant / Major Violations should be finished within 25 business days, and all appeals need to be filed by respondent within 10 calendar days of notification of outcome.

Private matters: Region Ethics & Eligibility Policies and Procedures shall not apply to conflicts between clubs / teams and families / players concerning financial matters, playing time, club policies and procedures, or other matters not directly involving the Region, USAV, or their codes and policies.

Effective March 18, 2022