

RMR INCIDENT REVIEW POLICY

- I. **Purpose.** The purpose of the Incident Review Policy (Policy) to provide a process for adjudicating complaints of violations of ethics, the United States Volleyball Association (USAV) Participant Code of Conduct and the USAV Substance Abuse Policy under the RMR's jurisdiction, Rocky Mountain Region - USAV (RMR) rules, policies and procedures, and actions that are contrary to the fundamental objectives and best interests of the USAV or the RMR with fairness and due process for any individuals, teams or organizations involved, and to determine appropriate disciplinary actions, if needed.
- II. **Incident Review Committee.** There shall be an Incident Review Committee (IRC) to adjudicate complaints. The IRC shall have four (4) members:
 1. The RMR Commissioner (or his/her designee), who shall serve as Chair (Chair) of the Committee;
 - a. The Chair shall preside over all IRC adjudication proceedings.
 - b. The Chair shall have no vote in the IRC adjudication proceedings.
 - c. The Chair shall investigate all complaints, gather information necessary for the IRC adjudication proceedings (or appoint a neutral party to do so), and distribute the information gathered to members of the IRC.
 2. A current RMR Board of Director;
 3. The Secretary/Treasurer for matters involving an Adult member or team, or the Junior Coordinator for matters involving a junior member or team;
 4. The Adult Player Representative for matters involving an Adult member or team, or the Junior Girls' or Junior Boys' Board Rep, as appropriate, for matters involving a junior member or team.
 - A. If a designated IRC member is unavailable, or if a designated IRC member has a conflict of interest, the Chair shall appoint an alternative, impartial IRC member. This member may be, but need not be, from the Board of Directors.
 - B. IRC deliberations shall take place at a meeting of the full IRC.
 1. If a meeting is not practical or if all IRC members are unable to attend a meeting, the IRC may meet or member(s) may attend via any means of communication by which all IRC members may hear each other during the meeting. The Region shall assume the cost of providing any such communication.
 2. Once appointed, IRC members shall refrain from one-on-one discussions with the parties or any witnesses prior to the adjudication, unless directed to do so by the Chair.
 - C. IRC action requires an affirmative vote by a simple majority of the IRC.
 - D. Whenever possible, IRC meetings shall take place on the same night and at the same location as a scheduled meeting of the Board of Directors.
 - E. All IRC adjudication deliberations shall be closed meetings.
 - F. The IRC shall announce its decisions in writing. The writing shall include the rationale for the decision and a statement of the appeals process.
 1. The Chair shall send copies of the written decision by USPS Certified Mail, return receipt requested, to the accused individual or team and by regular mail or email to all members of the IRC, all Board members and the complaining party within five (5) business days of the date of the decision.
 2. The Chair may, as a courtesy, notify the parties of the decision by telephone or email prior to mailing copies.

- III. **Complaints to be Adjudicated.** The IRC shall investigate and adjudicate all Complaints where the penalty imposed could result in probation or suspension of an individual's, a team's or an organization's "Designated Role" or loss of RMR - USAV membership for a period of time.
- IV. **Complaints** All Complaints to be adjudicated by the IRC must be submitted to the Commissioner in writing or if the complainant presents themselves to the RMR Office personally and agrees to sign a statement that they verbally presented their complaint with the RMR Office. The complainant's personal information must be verifiable.
- A. Upon receipt of a Complaint, the Commissioner shall appoint and notify the IRC members within five (5) business days by email, FAX or regular mail, in that order of preference.
- IRC members' notification shall include copies of the written complaint or signed statement.
- B. The Chair shall determine the type of action that is needed:
1. If a Complaint requires immediate action, and if necessary a special meeting of the IRC for adjudication will be called.
 - a. If the complaint requires immediate action and the IRC is unable to meet in person, adjudication may be conducted by any means of communication by which all IRC members may hear each other during the adjudication. The RMR shall assume the cost of providing any such communication.
 - b. This adjudication may be without notice to the accused.
 2. If a Complaint does not require immediate action, the Chair shall notify the individual, Team Rep of the team or the organization alleged to have committed a violation (the accused) and the IRC members within five (5) business days of receipt of the complaint.
 - a. Notice to the accused shall be in writing, sent USPS Certified Mail, return receipt requested, and by regular mail.
 - b. The notice shall include the following:
 - ◆ A summary of the complaint, including a specific statement of the alleged violation(s);
 - ◆ A statement that the accused has the right to respond, accompanied by a specific statement of how the accused may respond (in writing or by attendance at an IRC hearing);
 - ◆ A description of any immediate actions taken;
 - ◆ The date, time and location of a hearing, if the IRC deems one desirable or necessary;
 - ◆ A statement that a penalty may be imposed on an individual, a team or an organization as a result of the IRC adjudication;
- V. **Complaints that require immediate response.**
- A. Complaints that require immediate response may be adjudicated without notice to the accused prior to the imposition of penalties.
1. Such adjudication shall be at an IRC meeting specially called for that purpose or by any means of communication by which all IRC members may hear each other during the adjudication. The Region shall assume the cost of providing any such communication.
 2. Complaints in this category may involve but are not limited to urgent safety concerns, child molestation, violence, or significant property destruction.

B. The Chair shall notify the accused in writing of the complaint and the IRC's decisions according to the specifications in Sections II and IV.

1. Following any such adjudication, the accused shall be offered the opportunity to present evidence in defense of the allegations and given reasonable time (10 business days) to prepare a presentation. The IRC shall determine the form of the presentation, whether in writing or at a hearing.

Failure by the accused to respond in a reasonable time (10 business days) shall constitute a waiver of the accused's right to present evidence in defense of the allegations and shall permit the IRC to proceed with adjudication.

2. Following any such presentation of evidence, the IRC shall reconvene to determine, considering all the evidence, if any further action shall be taken or if any action taken shall be changed.

3. The accused may request a hearing before the full IRC. The IRC shall, in its sole discretion, determine if it shall hold a hearing.

VI. **Complaints that require prompt response.**

A. Complaints that require response before the next scheduled Board meeting shall be adjudicated at an IRC meeting specially called for that purpose or, if necessary, by any means of communication by which all IRC members may hear each other during the meeting. The RMR shall assume the cost of providing any such communication.

Complaints in this category may include, but are not limited to issues that impact tournament play, occurring before the next scheduled Board meeting.

B. The Chair shall send the accused notice of the complaint according to the procedures stipulated in Section IV. B. 2. above.

1. Before any adjudication, the accused shall be offered the opportunity to present evidence in defense of the allegations and given reasonable time (10 Business Days) to prepare a presentation of a defense. The IRC shall determine the form of the presentation, whether in writing or at a hearing.

Failure by the accused to respond in a reasonable time ten (10) business days shall constitute a waiver of the accused's right to present evidence in defense of the allegations and shall permit the IRC to proceed with adjudication.

2. Following any such presentation of evidence, the IRC shall consider the evidence to determine what action shall be taken.

3. The accused may request a hearing before the full IRC within ten (10) business days of receipt of the complaint. The IRC shall, in its sole discretion, determine if it shall hold a hearing.

C. The Chair shall send notice of the IRC's decision according to the procedures stipulated in Section II. F. above.

VII. **Complaints not requiring a response before the next scheduled Board meeting.**

A. Complaints that can wait until the next scheduled Board meeting for a response will be adjudicated at an IRC meeting immediately before or immediately following the scheduled Board meeting.

B. The Chair shall notify the accused of the complaint according to the procedures stipulated in Section II. F. above. The Chair shall also notify the parties of the date, time and place of the IRC adjudication.

1. Before any adjudication, the accused shall be offered the opportunity to present evidence in defense of the allegations and ten (10) business days time to prepare a presentation of a defense. The IRC will determine the form of the presentation, whether in writing or at a hearing.

Failure by the accused to respond in ten (10) business days time shall constitute a waiver of the accused's right to present evidence in defense of the allegations and shall permit the IRC to proceed with adjudication.

2. Following any such presentation by the accused, the IRC shall consider all the evidence to determine what action shall be taken.
 3. The accused may request a hearing before the full IRC. The IRC will, in its sole discretion, determine if it will hold a hearing.
- C. The Chair shall send notice of the IRC's decision according to the procedures stipulated in Section II. F. above.

VIII. **Hearing Procedure.** A hearing may be a face to face meeting between the accused and the IRC, or by any means of communication by which all the involved persons may hear each other during the hearing. The RMR shall assume the cost of providing any such communication. If the IRC determines that a hearing is desirable or necessary, the IRC shall:

- A. Furnish the accused with copies of all materials in the IRC's possession containing allegations against the accused three (3) business days prior to the hearing, including the names of any witnesses the IRC intends to call. Should the witness prefer to remain anonymous to the Accused (Whistle Blower Policy), they have the right to meet with the IRC at a separate designated time and name(s) will be withheld from the accused.
- B. Give the accused opportunity to respond fully to the allegations, including the opportunity to present witnesses and oral argument.
 1. Allow the accused to question any witnesses appearing at the hearing.
 2. Allow the accused to be accompanied by legal counsel, provided the accused notifies the IRC three (3) business days prior to the hearing if he/she intends to be accompanied by counsel, and furnishes the name, address and phone number of counsel.
- C. Allow IRC members to question any party or any witness.
- D. Schedule the hearing at a reasonable time when the accused and the IRC can attend. Due to the make up of the IRC (volunteer board member schedules and the factor of conflict of interest) the accused will be presented with a minimum of two possible hearing dates.
- E. Schedule the hearing so as to give the accused ten (10) business days to prepare a defense.

IX. **Penalties.**

- A. For violations of ethics, the USAV Participant Code of Conduct and the USAV Substance Abuse Policy under the RMR's jurisdiction, RMR rules, policies and procedures, and actions that are contrary to the fundamental objectives and best interests of the USAV or the RMR, the IRC may impose one or more of the following penalties on any individuals, teams or organizations involved:
 1. Probation, meaning a warning that any additional violation of ethics or the rules may result in suspension of participation (roles) within the RMR-USAV or suspension of RMR-USAV membership for a designated period of time;
 2. Fine(s) to be paid before further participation in RMR events;
 3. Suspension from participation (roles) within the RMR-USAV for a designated period of time.

4. Suspension of rights to participate in designated policies of the RMR such as but not limited to the "Members On Hold Policy".
5. Suspension of USAV membership for up to 12 months;
6. Expulsion from USAV membership for more than 12 months.

B. All IRC actions shall be binding pending appeal.

An IRC decision to take no action is a final and a nonappealable decision.

X. **Appeals.** The appeal process is as follows:

Regional Appeals.

1. Either the accused or the complainant may appeal an IRC decision.
2. All appeals of IRC decisions must be in writing and delivered to the RMR Commissioner within two (2) weeks of the mailing date of the IRC decision.
3. The Commissioner shall acknowledge the appeal in writing to the parties and inform the Board of Directors of the appeal within five (5) business days of receipt of the appeal.
4. The Referee Chair (for matters involving an Adult player or team) or the Jr. Referee Chair (for matters involving a Jr. player or team) shall preside over appeals proceedings as the Appeals Chair and shall appoint an Appeals Committee to adjudicate the appeal.

The Appeals Committee will consist of two other members from the Board of Directors who did not serve on the IRC, plus the Appeals Chair.

5. Appeals shall be limited to determining if the IRC properly followed the Incident Review Policy in reaching its decision.
6. If an appeal requires immediate action, the Appeals Chair may call a meeting of the Appeals Committee or may use any means of communication by which all the Appeals Committee members may hear each other during the meeting. The RMR shall assume the cost of providing any such communication.
7. If the appeal can wait until the next scheduled RMR Board meeting, it shall be adjudicated before or after that meeting in a separate, closed proceeding.
8. The Appeals Chair shall notify the parties of the Appeals Committee's decision by USPS Certified Mail, return receipt requested, with copies to members of the IRC and the Board by regular mail or email, within five (5) business days of the decision.
 - a. The Appeals Chair may call the parties on both sides prior to sending notice of the decision.
 - b. The written notice shall include the procedure for further appeals through the Regional Volleyball Association (RVA) USA Volleyball.
 - c. If it is determined by the IRC that due process was not served to the accused or complainant, the RMR reserves the right to start the due process procedure again.
9. All IRC actions shall be binding pending an appeal.

RMR Board of Directors Approved on 8/16/10