

## ***Aloha Region - Due Process Rights***

Every individual or team (participant) who participates in sanctioned volleyball events of the Aloha Region (AR) is entitled to due process whenever AR proposes, as part of the penalty levied against the participant, to expel, suspend, or place the participant on probation, a violation of which could result in suspension or expulsion. For matters that are exclusively within the jurisdiction of the AR, the following Due Process Procedures shall apply unless jurisdiction of matter is taken over by the Center of Safe Sport in which case all future inquiries and requests for information will be directed.

### **AR Due Process Procedure**

1. Notice of alleged violations, will be made in writing to the respondent. This notice will be delivered by email, regular or registered mail. If necessary, to be practical and/or timely, initial notice may be verbal. All verbal communications will be followed by written notice via regular or certified mail or personal delivery. In addition to the specific charges, the notice will include in the following:
  - a. Summary of the charges or alleged violations.
  - b. A statement that the respondent has a right to respond in writing with delivery to the AR Office within twenty days from the date the written notice was received.
  - c. A statement that the participant has a right to request a hearing before the AR Review Committee by delivering a written request for a hearing to the AR office, within twenty days from the date the written notice is received.
  - d. An explanation of any immediate actions taken, which in the sole discretion of the AR office are necessary to protect the safety of other participants, until the matter can be finally resolved through due process procedures.
2. If the respondent does not request a hearing within the time provided above:
  - a. The AR Office shall evaluate all of the information and render a decision and issue appropriate disciplinary action if any in keeping with the established code of conduct and policies of the AR.
  - b. The AR Office will notify all involved parties of its decision, and there will be no further right to an appeal.
  - c. Where it deems necessary to protect the safety of other participants, a Safety Plan may be an appropriate action in conjunction with the Center for Safe Sport safety manual.
3. If the respondent requests a hearing in a timely manner, the hearing will be administered within 30 days by a disinterested and impartial Review Committee, which will be established by AR. The Review Committee will be an independent review committee and will not report to the Board of Directors (BOD) of the AR. The Chairperson of the BOD shall select the members of the Review Committee and may replace members of the Review Committee if a conflict of interest or bias exists, or if a Review Committee

member is unavailable. The Review Committee will consist of at least three individuals. A Review Committee member is considered to have a conflict if any of the following exists:

- a. The Review Committee member has a direct pecuniary interest in the outcome of the matter.
  - b. The Review Committee member has a “conflict of interest” as determined by the Aloha Region’s Conflict of Interest policy.
  - c. The Review Committee member may have prejudged the matter because of prior participation as an accuser, investigator, fact finder, or initial decision-maker in the matter.
4. The BOD Chairperson may elect to hold the hearing in person or by conference call to accommodate the need for timely action. The respondent must consent to any hearing to be held by conference call. The hearing will not be open to the public.
  5. The hearing or conference call will have four parts:
    - a. The respondent in question has the right to ask pertinent questions of the Review Committee members and challenge their bias or ability to be impartial. The Chair of the Review Committee will then consider these challenges and make a determination. If the Chair is being challenged, other members of the Review Committee will make the decision about the bias or impartiality of the Chair. If the Review Committee dismisses a member for bias or conflict of interest and if the Committee is left with fewer than three (3) members, the hearing will end and a new Review Committee will be appointed by the BOD chair.
    - b. Presentation of the accusation and all evidence in support of the accusation.
    - c. Opportunity by the respondent and cross-examine the claimant(s) and to examine and refute all evidence.
    - d. Opportunity to present a defense.
  6. The Review Committee will have the opportunity to ask questions of all parties presenting evidence. Either the respondent or the BOD, at either's own expense, may arrange for a transcript of the hearing to be taken and provided to the AR BOD and the participant. Following the hearing, after the participant and its counsel have left, the Review Committee will meet in private to make a decision. A written decision, with reasons therein and based solely on the evidence of record, will be rendered no later than fifteen (15) days after the hearing and will be forwarded by email, certified mail or personal delivery to all parties.
  7. Written communication of the Review Committee's decision will contain the following:
    - a. Decision(s) and reasons for the decision(s) of the Review Committee.
    - b. Notice of any sanctions, explaining the terms and reasons for the sanctions.
    - c. Outline of the further appeals process.

8. Upon receipt of the Review Committee's decision, any of the participants may file an appeal of the decision in writing with the AR Office within seven (7) days of receipt of the decision
9. A final appeal will then be conducted before the AR Board of Directors at the date, time, and location of the next regularly scheduled meeting and, in no event, more than sixty days after the mailing of the Review Committee decision. The respondent shall have the right, but shall not be required to, to attend the portion of the meeting at which the hearing will be conducted whether or not the involved parties are present. Each party has the right to be assisted in the presentation of its case at the hearing. Each party has the right to present additional verbal and written evidence, including witnesses.
10. The AR Board of Directors may reverse, affirm, or modify the decision of the Review Committee. The AR Board of Directors then present at such meeting, by a vote of the majority directors present, will render a decision within seven (7) days of such meeting. A written decision will be forwarded by email, certified or regular mail or personal delivery to all parties.

