

INCIDENT REVIEW POLICY

FLORIDA REGION INCIDENT REVIEW POLICY (Due Process)

PREAMBLE

The preeminent goal of the Florida Region of USA Volleyball is to create and support a safe and positive environment for athletes' physical, emotional and social development and to ensure that it promotes a safe environment free of abuse and misconduct including bullying, hazing, harassment (including sexual harassment), and emotional, physical, and sexual abuse:

Therefore, the purpose of the following policy is to create a procedure for reviewing complaints, policy infractions, incidents and SafeSport violations within the Florida Region. This shall be done with the utmost fairness, confidentiality and diligence. The Region Staff, Incident Review Committee (IRC) 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 investigation by the Committee chair or their respective designee.

All matters falling under the jurisdiction of this policy shall also comply with any requirement(s) put in place by the US Center for SafeSport (The Center) regarding bullying, hazing, harassment (including sexual harassment) along with emotional, physical, and sexual abuse. Matters referred to and accepted by The Center will fall under their exclusive jurisdiction and rulings.

The following documents, and any updates or amendments to these documents, are incorporated into this policy, wholly without modification:

- SafeSport Code
- NGB Athlete Safety Policy

ARTICLE I - NOTIFICATION OF COMPLAINT

Upon receipt of a complaint by an individual, member, or concerned party to the Office of the Florida Region, the responsible Staff member as designated by the Executive Director, shall determine if the Incident meets the standards to form an Incident Review Committee as outlined in Article IV of this procedure. If it does not, then the staff will send a Notice of Infraction to the club and/or member involved in the incident. Any club and/or member receiving a Notice of Infraction may appeal this decision to the BOD depending on the nature of the incident/infraction. If the claimant feels that the Incident deserves an IRC, then they can appeal to the Board Chair for further clarification. Any member or club entity receiving more than one Notice of Infraction in a season may be subject to an IRC if the Board Chair or BOD feels so compelled. If the infraction does warrant an Incident review, then the staff shall notify the Board Chair who will choose a chairperson and a committee and the chairperson shall notify the respondent of an investigation within 7 business days of acknowledgement. This will be done in writing to the respondent and a copy kept by the chairperson of the committee, with a copy forwarded to the Region Office. The chairperson (or their designee), at their discretion, may telephone the respondent if the matter is of considerable urgency. The written or oral notification to the respondent should include the following:

1. A summary of the complaint.
2. A timeframe in which the respondent must respond (preferably in writing)

- to the Incident Review Committee. A statement may be taken over the phone; however, it should be documented in writing afterwards. The committee shall inform the respondent if additional documentation is needed by the committee for a complete investigation to occur.
3. A description of any immediate actions (sanctions) taken (see Article II below).
 4. The date, time and description of any hearing or conference scheduled.
 5. A statement that a penalty or sanction may be imposed as a result of the hearing following the scale outlined in Article III.

The incident review committee has 20 business days after receiving all relevant information to complete the initial investigation and render a recommendation to the Board Chair.

ARTICLE II - TYPES OF INCIDENTS/COMPLAINTS

The three types of incidents/complaints which violate Region Policy are:

1. Discretionary/Minor offense: Basic infractions whose review falls within the discretionary authority of a specific Region Board Officer. These include incidents involving sanctioning fees, bounced checks, uniform violations, minor policy violations, team roster issues, untrained officiating teams, and improper tournament procedures, etc. These would be handled by the appropriate Board Member or designee. Most of these would be a Notice of Infraction for the first incident.
2. Flagrant offense: Can be a repeated discretionary/minor offense or a first-time flagrant offense. Requires prompt action (sooner than the next Board Meeting); these include matters such as a code of conduct violation, a code of ethics violation, or other violations that are greater than discretionary/minor but less than serious/major. This would also include violations of a flagrant nature that occur at Regional or National events.
3. Serious/Major offense: Requiring immediate action (before a hearing may be called); the Chairperson or designee will make a recommendation with the best interest of the Region and respondent taken into consideration. The Committee must be informed immediately, as soon as possible, about the decision. The respondent will follow the recommendation of the Chairperson until the Committee reviews this recommendation. Then, the recommendation of the Committee will be followed. These are serious or major offenses to the region policy and guidelines. These generally involve violence, significant property damage/destruction, matters that are sexual in nature or SafeSport violations; such actions will always be followed by hearing as soon as possible.

Incidents must be submitted in writing using the Florida Region Incident Review Request Form, located on the FORMS page of the Florida Region website: www.FloridaVolleyball.org

ARTICLE III - SANCTIONS

The definition of the term of offense for subsequent offenses is one year. That is, if you receive a letter of reprimand or a Notice of Infraction (NOI) it will be in effect for one year from the date of the reprimand. Therefore, if you have another discretionary offense during that year, it will be your second offense. Your new year for a possible third offense begins from the date of the written letter of probation, etc.

Sanctions include:

For Discretionary/Minor offense(s):

- 1st offense – Written letter of reprimand or Notice of Infraction from the Region. One copy to the respondent, and one copy to the Region Office for record keeping.
- 2nd offense – Written letter of probation for one year or Notice of Infraction from the Region. One copy to the respondent and one copy to the Region Office for record keeping.
- 3rd offense – Written letter of suspension for one year or Notice of Infraction from the Region. One copy to the respondent and one copy to the Region Office for record keeping.

For Flagrant offense(s):

- 1st offense – Written letter of probation for one year from the Region; however, if the incident is serious enough the first time, the IRC can use the guidelines for the second offense and start with a written letter of suspension. One copy to the respondent, and one copy to the Region Office for record keeping.
- 2nd offense – Written letter of suspension for a minimum of one year and up to a lifetime ban, depending on the severity of the incident from the Chairperson of the Incident Review Committee. One copy to the respondent, , and one copy to the Region Office for record keeping.

For Serious/Major offense(s):

- 1st offense – Written letter of suspension for at least one year and up to a lifetime ban, depending on the severity of the incident. The Chairperson of the Incident Review Committee or their designee will send a copy of the letter to the respondent, one copy to the Region Office for record keeping, and a copy to the National office.

ARTICLE IV - MAKEUP OF INCIDENT REVIEW COMMITTEE

The incident review committee will consist of any three of the current board of directors as designated by the Board Chair, not to include board members that may have a potential conflict of interest with the Respondent.

If the Board Chair is the respondent, the Board of Directors shall elect a chair for the Incident Review Committee.

ARTICLE V - PROCEDURES FOR HEARING

Upon receipt of complaint, the Incident Review Committee shall determine what immediate action is necessary, if any. A simple majority of the committee is needed to take action. If immediate action is taken, the respondent has the right to a telephone hearing to present evidence as to why the immediate action should be suspended subject to a regular hearing. Once the respondent is notified and indicates a desire for a formal hearing before the Committee, a hearing shall be scheduled at the earliest convenience of all concerned. If all interested personnel are unable to meet in person within a reasonable time, a conference call can be used as the hearing. The cost of the conference call shall be paid by the Region. Any hearing or conference call shall be scheduled at the reasonable convenience of all concerned. The Secretary or designee shall record all minutes for the hearing for Due Process. These files shall be kept confidential and only presented to the Incident Review Committee members for review if necessary.

At the hearing, the respondent shall be presented with the evidence against him/her. The respondent shall have the opportunity to respond to complaints, including the opportunity to address all accusations the complainant. The

Committee shall then make its decision as to what action, if any, shall be taken. A simple majority shall be sufficient to make a decision. This does not have to be done in the presence of the respondent, as long as the respondent has had the full opportunity to present his/her side of the story and defense.

Following the decision, the respondent shall be informed of the decision with a phone call, if appropriate and time considerations dictate. The phone call will be followed by a written decision by both email and certified mail (if email is not successful). If the decision includes a notice of sanction, it will clearly explain the terms and reasons for the sanction. The notice letter will also include an outline of the appeal process available to the respondent. A separate letter shall be sent to any other persons affected (e.g. team members) explaining the terms of the sanctions. All copies of all correspondence must be sent to the Region Office for proper record keeping.

* Note: In cases where a minor is involved, the identity of the minor will not be disclosed to the respondent, only a copy of the written complaint with the name and personal information of the minor redacted.

ARTICLE VI - APPEAL PROCESS

If the respondent decides to appeal, the appeal must be in writing to the Chairperson and the Board of Directors within 5 calendar days of the notification of the Notice of Sanction. Notifications may be sent via email or certified mail depending on the timeliness of the situation. The Chairperson will acknowledge the appeal and inform the Board of Directors. If the sanction is one that needs expediency, and there is no material evidence to be viewed, the Chairperson may set up a conference call to handle the appeal. The Region will bear the cost of the conference call. If the appeal is one that can wait until the next Board Meeting, the appeal shall be added to the agenda of the Board Meeting. Every attempt shall be made to ensure fairness to the respondent including his/her right to a timely appeal. A simple majority of the Board is sufficient to make a decision on the appeal. After an appeal has been made before the Board of Directors, the respondent shall be notified of the decision within 5 business days by both email and certified mail. If appropriate, the letter may be preceded by a phone call. The written notice shall include the decision and any sanctions taken. The notice shall also outline whether or not any further appeal is available. All copies of all correspondence must be sent to the Region Office for proper record keeping. For all regional matters the decision of the Board of Directors is final.