

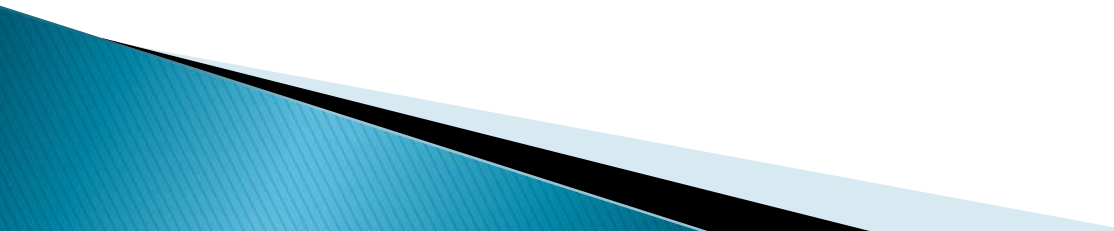
A&D

The Basics

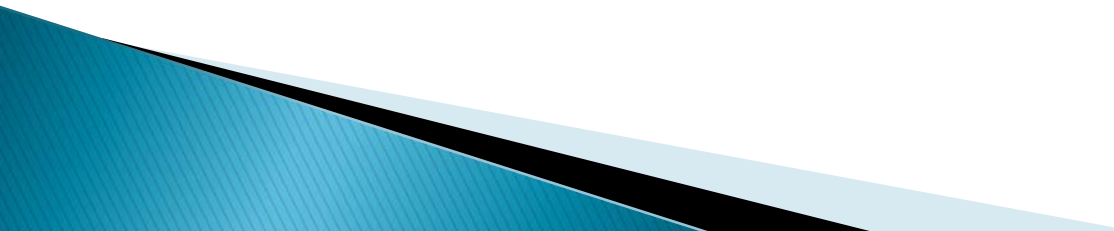
A Beginner's Guide to understanding the A&D process



An Outline

- ▶ Grasping a different concept
 - ▶ What defines Due Process
 - ▶ Why is Due Process important
 - ▶ Receipt of complaint
 - ▶ Notification of Hearing
 - ▶ Selecting a committee
 - ▶ Hearing preparation and procedures
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Outline (continued)

- ▶ Hearing guidelines and recommendations
 - ▶ Reaching a determination
 - ▶ Notification of findings
 - ▶ The right to appeal
 - ▶ Review
 - ▶ Questions
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Grasping the concept

- ▶ Fair hearings
 - *A listening to facts and evidence, for the sake of adjudication; a session of a court for considering proofs and determining issues*
 - Members may set some rules
- ▶ Not personally motivated
- ▶ Is it presented or did you have to chase it?
- ▶ Err on the side of the accused

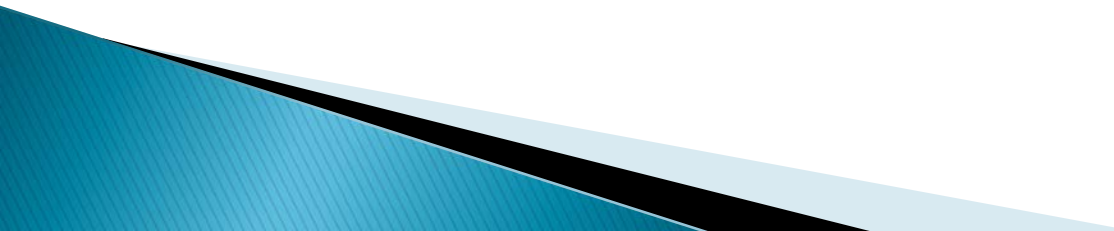
Due Process

- Rights of the parties
 - Notice of all specific charges or alleged violations in writing and possible consequences if the charges are to be found true;
 - Reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
 - The right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
 - A hearing before a disinterested and impartial body of fact finders;
 - The right to be assisted in the preparation of one's case at the hearing;
 - The right to call witnesses and present oral and written evidence and argument

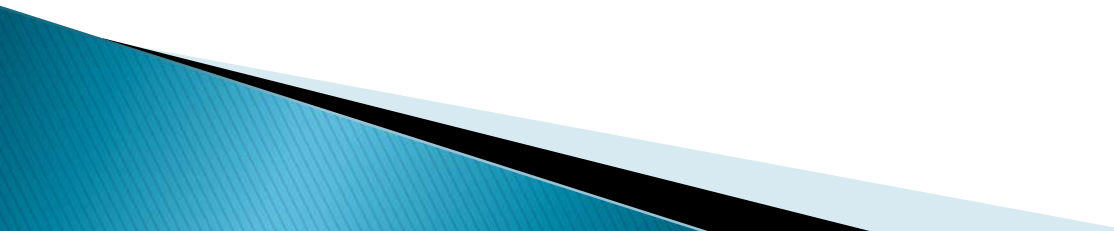
Due Process (continued)

- Rights of the parties (continued)
 - The right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing if requested;
 - The right to have a record made of the hearing if requested in advance, with all costs to be paid by the requestor;
 - A written decision, with the reasons for the decision, based solely on the evidence of record issued in a timely fashion and including appeal rights and procedures;
 - Notice of any substantive and material action of the hearing panel in the course of the proceedings;
 - Equality concerning communications, and no ex parte communication is permitted between a party and any person involved in making a decision or procedural determination except to provide explanations involving procedures to be followed.

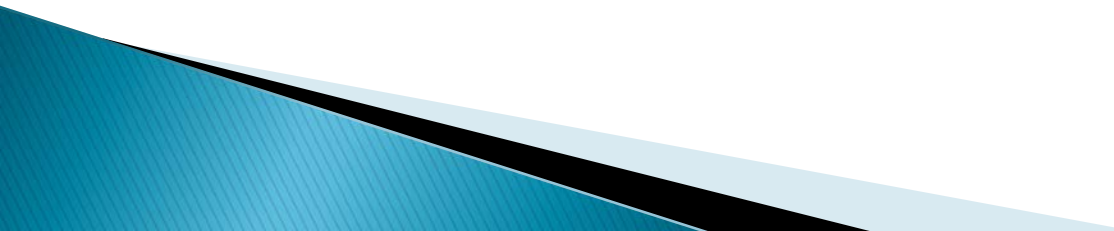
The Importance of Due Process

- ▶ This defines due process and is the largest single reason for appeals both in NTSSA and the USSF
 - ▶ This is the most important!
 - ▶ Guaranteed by NTSSA and USSF
 - ▶ Learn these and let them guide your hearings
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Receipt of Complaint

- ▶ Must be in writing
 - ▶ Complaining party must be identifiable
 - ▶ Can not be hearsay
 - ▶ Don't investigate
 - ▶ Understand the difference between a legitimate gripe and a legitimate complaint
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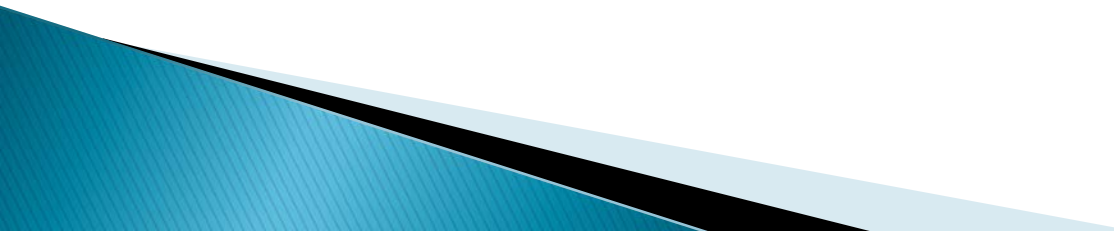
Hearing Notification

- ▶ Needs to be in writing
 - ▶ Allow ample time to prepare a defense
 - ▶ Allow reschedules when appropriate
 - ▶ Don't discuss the upcoming hearing
 - ▶ Detail the charges
 - ▶ Include all possible rule violations
 - ▶ Include possible sanctions
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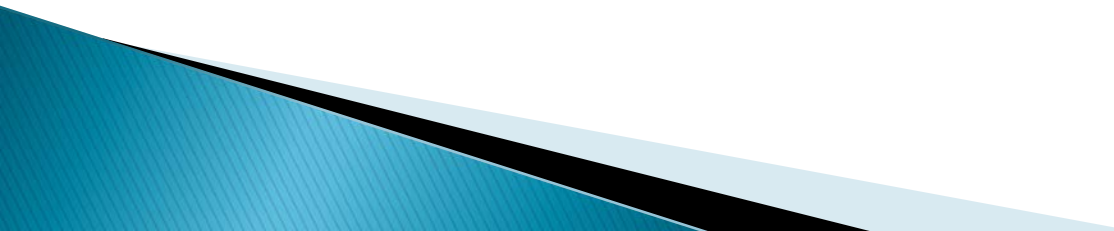
Hearing Notification (continued)

- The letter must include the following:
 - A statement of the reason for the hearing with all specific charges or alleged violations in writing and possible consequences if the charges are to be found true
 - A copy of the primary complaint against the accused
 - The time, date, and place of the hearing
 - An outline of the procedures with who will be allowed to testify and any time limits to be imposed
 - A set time in which a list of all perspective witnesses will be submitted
 - A date by which any written testimony is to be received

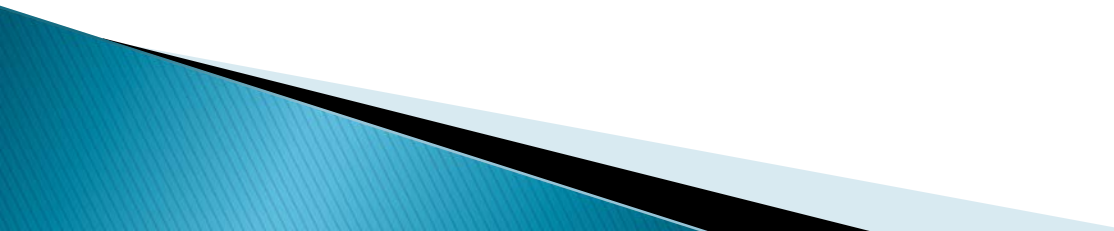
Panel Selection

- ▶ Make sure the panel is impartial
 - ▶ Have varied degrees of experience
 - ▶ Try to have an odd number of voting panel members
 - ▶ Is the perception the committee is “stacked” or “fair”?
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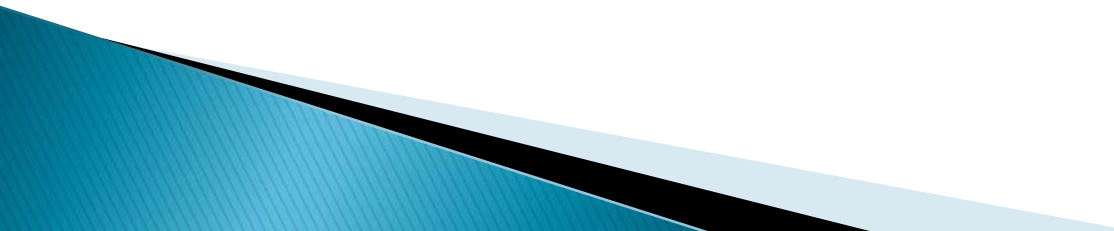
Hearing Preparation

- ▶ All parties should have copies of the same information
 - ▶ Make the time and place appropriate
 - ▶ Ensure the settings are comfortable
 - ▶ Ensure the room conveys fairness and impartiality
 - ▶ Detail the procedures to be followed
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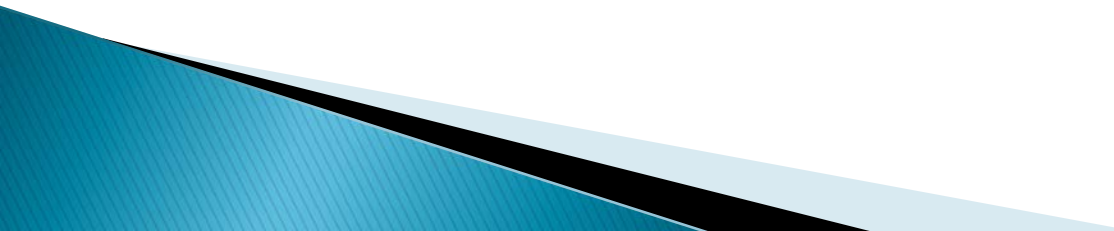
Hearing Procedures

- ▶ Make introductions and take attendance
 - ▶ Review the charges
 - ▶ Allow equal time and opportunity
 - ▶ Include time for questions
 - ▶ Detail when and how the committee will render a decision
 - ▶ Above all, be fair
 - ▶ Adjourn the hearing
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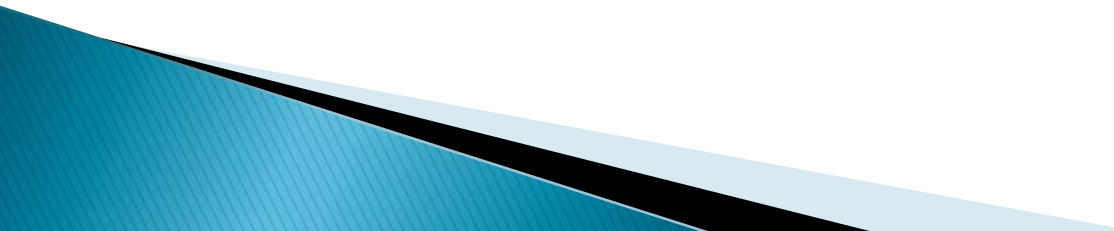
Recommendations

- ▶ Take personal notes, not minutes
 - Even if a record is being made
 - ▶ Limit time rather than a number of people who can speak
 - ▶ Accused should always be present
 - ▶ Insist on proper decorum
 - ▶ Keep the hearing on task
 - ▶ Advise parties of their appeal rights
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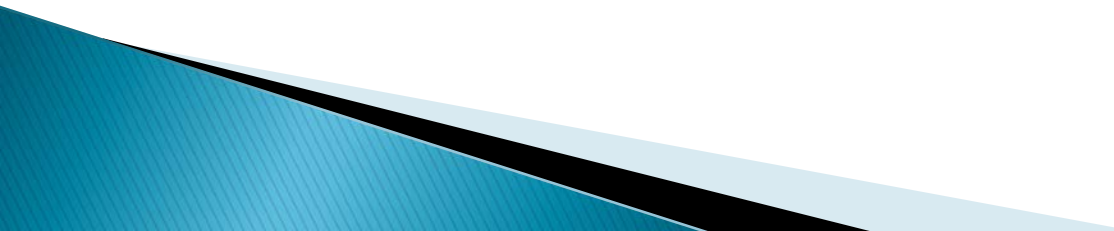
Making a Decision

- ▶ Don't be too hard or too soft
 - ▶ Does the punishment fit the offense?
 - ▶ Is the decision to teach or to ban?
 - ▶ Detail your findings (tell why)
 - ▶ Define any parameters of suspension or probation
 - ▶ Reference local rules for guidance
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Decision Notification

- ▶ Must be in writing and include:
 - Decision of Committee
 - Rules applied to reach the decision
 - Appeal rights including fee, time frame for filing, and method of appeal
 - ▶ Send a copy to NTSSA
 - ▶ Even if the decision is given verbally it must be followed up in writing
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The Right to Appeal

- ▶ No one likes to have their decision overturned
 - ▶ All parties have the right to appeal
 - ▶ Check your bylaws for next step in appeal rights
 - ▶ Clock starts when they receive the decision
 - ▶ Differentiate appeals and protests
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Questions

