

## **Recommended Hearing Procedures for ASA Leagues**

Many times ASA leagues create their own problems by not knowing the proper procedure for taking care of a problem within their leagues. They fire a coach, get rid of a board member or cause a parent to pull their child from the league, because they feel they were not heard when they filed a complaint. Sometimes that complaint is against a friend of a board member, or they are a good coach that the league wants to keep, but will put up with the coach's abusive behavior and foul language because they produce winners! This is not the way to handle these types of situations. Each league should have some type of disciplinary procedure in place within their league operating rules. They should follow the procedure, no matter who is at fault, and they should maintain documentation of the incident for no less than three years.

The first step in the process is documentation of the incident. Just like accident reports, a league should always document complaints. I'm not talking about, "that umpire made a bad call!". I'm talking about a complaint of abuse of a child, parent, board member or umpire. Whether verbal or physical, it should be documented. Of course, if physical, you should contact your local law enforcement. Even if someone is arrested, the league should document the incident, should the person involved want to return in the future. You don't have to write a book, but the facts should be written down. Just like a league accident report, the facts should state: the date of the incident, place, time and who was involved. What was done at the time of the incident and what needs to be done to complete the investigation. Yes, there will be an investigation. If a coach was involved, your leagues coach's agent should be the one looking into it. If a board member was involved, the league president or vice-president should lead the investigation.

When you document something, you need to talk to all people involved. Parents, other coaches, umpires or board members who may have witnessed the incident. Get brief statements, related only to the facts, and once the investigation is complete, present the information to the board for discipline. It could range from probation, a game suspension or removal from the league, but it has to be consistent.

ASA Code, under Article 305, is a good source for what types of behavior constitute grounds for suspension. It is a very good reference for leagues to follow and falls

in line with all current code within the governing body of ASA. Each year, this code is updated, so the leagues would need to do the same if there are changes made. If someone is going to be suspended for violating a league or ASA rule, that person is entitled to a hearing. Article 305(B)02 outlines the procedure for hearings. Each board should have a board member who is in charge of the hearing process, usually the vice-president. That person should be well versed in the ASA code under Article 305. Any person accused of violating a league or ASA policy should receive written notice of the violation, and be given 15 days from receiving this notification, to have a hearing. The date, time and place should be on the notification. If for some reason that date is not good for the accused, they have the right to ask for an alternate date. If the accused person fails to show for the scheduled hearing, the hearing official may continue with the hearing and forward their findings to the league board for suspension or termination of the accused.

Article 305(B)06 allows the accused the Right of Appeal. If this occurs, the league should contact the ASA Deputy Commissioner. The accused has to file this appeal with the Deputy Commissioner within 14 days of receiving their suspension from the league. The written appeal must contain a statement of the specific grounds of why the prior determination should be reversed. The appeal must be accompanied by all evidence supporting the request for reversal and must state the relief requested by the person filing the appeal. Failure to file a written appeal within 14 days, shall constitute sufficient grounds for denial of the appeal.

Following the ASA Code can keep your leagues out of frivolous lawsuits. Yes, lawsuits. Your leagues are non-profit organizations that have to file a copy of their by-laws when getting non-profit status with the State of California. If you don't follow those by-laws, you open yourself up to lawsuits. So make sure that you update your by-laws once a year and follow them. You should also make sure you follow your operating rules when looking to suspend someone. Document the incident properly and allow for the accused to follow a procedure to appeal.