

CHAPTER VIII

DISCIPLINARY ACTIONS, APPEALS, INVESTIGATIONS BY COMMISSIONER

Conferences & Associations that violate N.C.F. Rules *can be denied the right to have any/all* of their teams engage in games during the current season upon order of the Commissioner. Such an order must be subjected to mail poll of the Deputy Commissioners.

Member Conferences, Associations or Teams of NORCALFED that act contrary to voted motions or resolutions may be investigated by the Commissioner. The Commissioner may order suspension on finding that this paragraph has been violated.

1. An Association may discipline its Teams, including Adult Personnel, and a Conference may discipline its Associations, its Teams, and Adult Personnel. NORCALFED may discipline its Conferences, Associations, Teams and Adult personnel.
2. Association or Conference Hearing held pursuant to disciplinary actions instituted by an Association or Conference are to be fairly and impartially conducted with opposing sides permitted to present both oral and written material in person or through a chosen representative. In any such hearing, the applicable Bylaws and N.C.F. Rules are to be made available to the hearing committee. The hearing committee will be required to take accurate minutes of the hearing.
 - a. The subject of the disciplinary action must be advised in writing, via Certified Mail return receipt requested, two weeks prior to the hearing, as to the place, time and the purpose of the hearing and all of the charges and issues involved. Subject of the action may wave the 2-week notice in order to have a speedier hearing.
 - b. All parties of the hearing have the right to present witnesses and testify in their own behalf.
 - c. All parties of the hearing are entitled to confront and be confronted by parties and witnesses of the other side and to cross-examine them. The hearing committee must issue a written report within one week of the conclusion of the hearing. This report must note the finding of facts, the decision citing applicable authority, and the imposed penalty.
 - d. The three members of the hearing committee of a disciplinary action instituted by an Association or Conference shall be named by the President of the Association or the Deputy Commissioner of the Conference involved.
3. The finding of a hearing committee may be appealed to the Commissioner within seven (7) days of the date thereof. The finding, decision and penalties of the committee remain in effect, pending a ruling on same by the Commissioner. The written appeal must be accompanied with a non-refundable fee of one hundred (\$100) dollars, payable to NORCALFED, and a copy of a Committee's report.

- a. the President of the Association or Deputy Commissioner of the Conference who instituted the disciplinary action shall arrange the time and place of the hearing by the Commissioner upon his approval. All those in attendance at the initial hearing will be invited to attend the appeal hearing.
 - b. The Commissioner will preside at the appeal hearing. Both parties shall be allowed to make a statement of position. The provisions of 2.b and 2.c of this Chapter will be applicable. The Commissioner may rule on the admissibility of any and all evidence and testimony. The Commissioner may question any witnesses and all parties to the action.
 - c. The Commissioner must issue a written decision within one week of the conclusion of the hearing. His written decision must note the finding of facts, the decision citing applicable authority and the imposed penalty.
 - d. The decision of the Commissioner may be appealed to a mail poll of the Deputy Commissioners within seven (7) days of the date thereof. The Commissioner's decision remains in effect pending the results of the mail poll. The written appeal to this poll will be addressed to the Commissioner, and must be accompanied with a non-refundable fee of one hundred (\$100) dollars payable to NORCALFED. The Commissioner will reproduce and forward the complete files of both hearing to all Deputy Commissioners via Certified Mail, return receipt requested. The Deputy Commissioner may approve, disapprove or abstain. A majority of the Deputy Commissioners must vote disapproval of the Commissioner's decision for reversal. The majority must be based on the head count of the Deputy Commissioners, not a count of the number of teams represented. There shall be no appeal of the mail vote.
4. The rulings of an Association or Conference on protest, on findings of a violation or an interpretation, may be appealed to the Commissioner. The provisions of Paragraph 5 of this Chapter will be applicable.

NORCALFED HEARING

5. The Commissioner may investigate possible violations of the NORCALFED Rules of Operation and/or Bylaws, and/or conduct that is detrimental to the welfare of NORCALFED.
- a. A Conference, Association, Team, or adults associated therewith, being investigated under the provisions of this paragraph, must be advised in writing, via Certified Mail, return receipt requested, two weeks prior to the hearing, as to the time, place, purpose of and charges and issues involved. The subject of the action may waive the 2 weeks notice in order to have speedier hearing.
 - Violations of N.C.F. Bylaws or N.C.F. Rules of Operation which the N.C.F. Board Of Directors deem serious enough for immediate action shall not require the notification process, but shall be subject to the appeal process.
 - b. All parties being investigated are entitled to confront and be confronted by all complainants or witnesses and to cross-examine same.

- Witness testimony requiring anonymity for fear of retribution will be kept confidential at the witness's request with approval of Commissioner.
 - c. All parties being investigated have the right to present witnesses and testify in their own behalf.
 - d. The Commissioner will preside at the hearing. The Commissioner has the right to question anyone at any time and to rule at any time during the hearing on the relevance of any and all testimony. He will arrange for taking of minutes of the hearing.
 - e. The Commissioner must issue a written report within one week of the conclusion of the hearing. This report must note the finding of facts, the decision citing the applicable NORCALFED Rules of Operation or Bylaws.
 - f. The decision of the Commissioner may be appealed per paragraph 3-d of this Chapter.
 - g. The Commissioner will not be compensated for investigative hearing.
6. If the hearings conducted by the Commissioner under the provisions of paragraph 5 of this Chapter involve serious age and weight infractions, or other matters that concern the safety and well being of the players, the Commissioner has the authority to order the suspension of any adults, teams, sponsors, Associations or Conferences involved. The suspension shall remain in effect until the Deputy Commissioners have made a judgment under the provisions of Paragraph 5 of this Chapter.
7. The Commissioner, in an appeal hearing under Paragraph 4 or 5 of this Chapter, may confirm, increase or decrease the penalty imposed by the original hearing committee of the disciplinary action. The Commissioner, in an appeal hearing under Paragraph 5 of this Chapter may confirm or modify the ruling of the Association or Conference; the Commissioner's modification may involve more stringent provisions to the original ruling.
- a. The Commissioner, in an appeal hearing under Paragraph 3, 4 or 5 of this Chapter may ask questions to any possible violations of the NORCALFED Rules of Operation and Bylaws.
 - b. The Commissioner, in an investigative hearing, need not confine his questioning to the charges and issues set forth in the mail notice. He may ask questions as to any other possible violations of the NORCALFED Rules of Operation and Bylaws.
 - c. If the questioning under a or b above establishes such violations, the matter may be incorporated in the Commissioner's report, providing he cites the finding of facts, the applicable authority and the penalty imposed.
8. The Commissioner may ask two adults not necessarily Assistant Commissioners, to sit with him in any of the hearings provided for in this Chapter. Said two adults may ask questions, consult with, and make recommendations to the Commissioner.

9. The Board of Directors of NorCalFed, by majority vote of its members, may determine that an Association is not acting in the best interests of its members and suspend all of its officers/directors forthwith and such suspension shall continue until such matters related thereto are resolved.

During such suspension, the Deputy Commissioner shall be designated to operate the Association in the place of its officers/directors. If such matters are not resolved, the Board of Directors of NorCalFed, by majority vote of its members, may require a new Election of the officers/directors of the Association.