



# Policies and Procedures for Ethical Complaints and Other Violations

## INTRODUCTION

The Texas Association of Sports Officials (TASO) develops and promotes high ethical standards for its members. TASO requires that all members meet these standards. The following procedures are the rules for processing possible violations of these ethics standards. These rules are applicable to TASO members. This document describes and outlines the only procedure for handling ethics cases brought to the attention of TASO. When members apply for membership, they agree to abide by the TASO policies, including the Code of Ethics, Policies and Procedures for Ethical Complaints and Other Violations, Solicitation, and Conflict of Interest. In addition, members agree that: these procedures are a fair process for resolving all ethics matters; they will be bound by decisions made pursuant to these procedures; and, these procedures do not constitute a contract between TASO and its members.

## ARTICLE I. TASO COMPLAINTS

This article pertains to complaints made against a:

- Division Officer
- Division Director
- Chapter Officer
- Chapter Board of Directors
- Any Chapter Position voted by the Chapter Membership
- Any Chapter Position appointed or voted by the Chapter Board of Directors
- Any Solicitation Complaint involving teams or coaches that the chapter did not service the teams full home schedule
- Any Ethics Complaint that in the judgment of both the Division President and the TASO Executive Director the best interest of TASO and/or the TASO Division would best be served by resolving the complaint at the State Office level

## SECTION A: GENERAL

1. Nature of the Process. These procedures are the only means to resolve TASO ethics charges and complaints. The TASO Executive Director has the exclusive authority to end any ethics inquiry or case, regardless of circumstances. By applying for membership, TASO members agree that they will not challenge the authority of TASO to apply the Code of Ethics, Policies and Procedures for Ethical Complaints and Other Violations Solicitation, and Conflict of Interest, or other TASO policies, and will not challenge the results of any TASO action taken under these policies in a legal or government forum. These ethics procedures are not formal legal proceedings, therefore, many legal rules and practices are not observed. TASO will review the pertinent information presented when considering ethics investigations, cases and decisions.

The TASO Policies and Procedures for Ethical Complaints and Other Violations are designed to operate without the assistance of attorneys. Any party may be represented by an attorney with respect to ethics proceedings and procedures, at the party's sole expense. However, if a party has retained an attorney, that party and attorney may be directed to communicate with TASO only through TASO Legal Counsel.



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2. **Participants.** Ethics cases may be decided by the TASO Executive Director and Division President, a TASO Ethics Hearing Committee, the Division Board of Directors or the TASO Board of Directors. A TASO member who is the subject of an ethics charge or investigation will be, and is identified as, the respondent in these rules. The person(s) initiating an ethics complaint concerning a member will be, and is identified as, the complainant(s).
3. **Complainants/Ethics Charge Statement.** Any member, non member or, in appropriate cases, the TASO or TASO Division Board, may initiate an ethics case and act as a complainant. A complainant other than a TASO member must: contact the TASO Ethics Director and request an Ethics Complaint Statement form; complete the information requested on the Ethics Complaint Statement and then submit the completed Ethics Complaint Statement to the TASO Executive Director. Each Ethics Charge Statement must include a detailed written description of the factual allegations supporting the ethics charge(s).
4. **Time Requirements.** TASO will make every effort to follow the time requirements set forth in this document. However, TASO's failure to meet a time requirement will not prohibit the final resolution of any ethics matter. Complainants and respondents are required to comply with all time requirements specified in this document. Time extensions or postponements may be granted by the TASO Executive Director, or Division President, if a timely written request explains a reasonable cause.
5. **Litigation/Other Proceedings.** TASO may accept and resolve ethics complaints when civil, litigation or other proceedings related to the complaint have been, or are presently, before a court, or regulatory agency. TASO may also continue or delay ethics complaints in such cases.
6. **Improper Disclosure/False or Misleading Responses.** Any failure to disclose pertinent information or any misleading disclosure by a TASO member with respect to an ethics charge, criminal case, disciplinary proceeding, or similar matter concerning him/her may constitute an ethics violation, and may result in a separate Ethics Complaint.
7. **Time Limitations Concerning Complaints.** TASO will not consider Ethics Complaints that occurred greater than 180 days (a) prior to the filing of the Ethics Complaint, or (b) first knowledge of the alleged Ethics violation, whichever is later.
8. **Confidentiality.** In order to protect the privacy of the parties to an ethics case, all material prepared by or submitted to TASO will be confidential. An exception will be made if a release of information or documents is authorized by these rules. The identities of all members of the Ethics Hearing Committee and the Board Ethics Appeals Committee shall remain confidential, and will not be released without the specific authorization of each committee member.

Until an ethics case has been closed or finalized, all parties must maintain the confidentiality of all information related to the ethics case, including its existence, consistent with these rules. If any party discloses information related to the ethics case contrary to these rules, the TASO Executive Director, Division President, or Ethics Hearing Committee may terminate the ethics complaint if such disclosure is by the complainant; or may impose any sanction included within these rules if such disclosure is by the respondent.

9. **Confidentiality of Certain Complainants or Witnesses**



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- a. The TASO, as well as Each Division and/or Chapter, shall determine and set out in its Bylaws, Policies or Operating Procedures the person or persons (President/Committee Chair/specific vote of board or committee) necessary to determine that in the best interest of the sport (not chapter or individual members), the identity of a complainant or witness should not be disclosed to a respondent or other persons provided the respondent shall be furnished with the full statement of such undisclosed person as used by the decision making body and the respondent shall be provided the opportunity to submit written questions to the decision making body for submission to the undisclosed person or persons. For TASO, the Executive Director makes this decision/
  - b. The hearing person(s) responsible for making the decision as to confidentiality may alter or modify the questions submitted to clarify or to eliminate duplicate, argumentative, or irrelevant questions, as well as questions designed primarily to determine the identity of the undisclosed person before submission to the undisclosed person. The respondent shall be provided with copies of the questions as submitted and an opportunity to supplement. Questions that go to the heart of the respondent's defense may be reworded but not omitted. Questions may be added provided both questions and answers are made available to the respondent in a timely manner.
  - c. The hearing body shall not consider the testimony or evidence of an undisclosed person who did not provide written responses to questions propounded to them under this section.
10. Failure to Cooperate. If any party refuses to fully cooperate or participate with TASO or its representatives, and it is determined that the lack of cooperation was without good cause, TASO may take the following actions: (a) the TASO Executive, Division President, Ethics Hearing Committee, and/or TASO or Division Board of Directors may terminate the ethics complaint of an uncooperative complainant; (b) if a respondent is uncooperative, the Ethics Officer, Ethics Hearing Committee, and/or Board Ethics Appeals Committee may impose any sanction included within these rules. No appeal of such TASO actions is permitted.
11. Resignation from TASO. Should a respondent attempt to relinquish TASO Membership during the course of any ethics inquiry or case, TASO reserves the right to continue the matter to a final resolution according to these rules.

### SECTION B: PROCESS

1. Filing the Complaint: The complainant must complete an Ethics Complaint Statement (ECS) and return the completed form to the TASO Executive Director. The ECS may be found on the TASO web site or requested for the TASO office.
2. Acceptance/Rejection of Charges:
  - a. Charge Acceptance. The TASO Executive Director and Division President of the respondent will review each charge presented in an Ethics Complaint Statement submitted by a complainant and then determine if it will become the subject of a formal Ethics Complaint and Investigation. The following criteria will be considered to determine if a charge is accepted or rejected: (a) whether the respondent is TASO member (b) whether a proven charge would constitute a violation of the Code of Ethics or other TASO Policies; (c) whether the passage of time since the alleged violation requires that the complaint be rejected; (d) whether relevant, reliable information or proof concerning the charge is available; (e) whether the complainant is



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willing to provide proof or other information to TASO concerning the complaint; and, (f) whether the charge appears to be justified or insupportable, considering the proof available to TASO.

b. The TASO Executive Director and Division President will determine whether the charge(s) and available proof support a formal Ethics Complaint, and upon such determination, will issue a formal Ethics Complaint and Investigation Notice.

c. Charge Rejection. If BOTH THE TASO Executive Director and Division President determine that an allegation should not become the subject of a formal Ethics Complaint, they will reject the charge(s). The TASO Executive Director will notify the complainant and respondent of the rejection in writing, including the reason(s) for the rejection.

3. Appeal of Charge Rejection Determination. Within thirty (30) days of the mailing date of a charge rejection letter, the complainant may appeal to the Division Board. In order to have the Division Board reconsider the rejection, a complainant must state in writing the following: (a) the procedural errors possibly made by the Executive Director and Division President with respect to the charge rejection, if any; (b) the specific provisions of the Code of Ethics or other TASO Policy believed violated; and, (c) the specific information believed to support the acceptance of the charge(s).

The Division Board will consider and decide any charge rejection appeal at the next scheduled board meeting, and such decision cannot be appealed.

#### 4. The Investigation:

- a. Ethics Complaint and Investigation Notices. After an ethics charge is accepted, the Executive Director will issue a formal Ethics Complaint and Investigation Notice identifying each Code of Ethics violation alleged and the supporting factual basis for each complaint. This notice will be delivered to the respondent, at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested.
- b. The TASO Executive Director may request all concerned parties to provide written statements concerning the ethics charge. If after reviewing the statements with the Division President, a determination may be made. If the Executive and Division President conclude that an investigator should be utilized he/she will assign the complaint to a TASO Investigator. The assigned investigator shall have no prior knowledge of the complaint, shall not be a member of the complaints or respondents chapter or have a personal relationship with either complaint, respondent or a potential witness.
- c. The investigator will first contact the complainant and identify his/her self as the investigator, confirm the facts contained in the ECS, identify any potential witnesses or anyone else that may have direct knowledge of the complaint.
- d. The investigator will then contact the respondent and obtain a statement concerning the complaints outlined in the ECS and identify any potential witness or anyone else that may have direct knowledge of the complaint.
- e. The investigator will then contact and obtain a statement from each witness or person with direct knowledge previously identified.



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- f. The contacts outlined in c., d. and e. above may be by phone, e-mail, personal interview or any combination. The investigator must get prior approval from the TASO Executive Director before incurring any expenses. All approved expenses will be reimbursed to the investigator upon submission of a TASO Expense Report with proper documentation.
- g. After obtaining statements from all parties concerned, the investigator will prepare a written report that contains:
  - i. A Summary of the complaint
  - ii. A summary of the statements from the respondent and each witness
  - iii. Copies of the statements from the respondent and each witness
  - iv. A conclusion based on the facts as presented

### 5. Range of Disciplinary Action

- a. Penalties may range from private reprimand to expulsion, and may include fine, probation, suspension, reduction of any classification, or any combination of the above deemed appropriate by the decision making body.

### 6. Resolution

- a. The Executive Director and Division President will review the investigators report and provide a copy to both the complainant and respondent. Each will have two weeks to respond back to the Executive Director and Division President to address any disagreements they may have with the report. All communication will be to the Executive Director and Division President and there shall be no communication to the investigator. The complainant and respondent shall not disclose any information contained in the investigators report to any other party.
- b. After receiving any responses from the complainant and respondent the Executive Director and Division President shall determine any and all disciplinary action and advise the respondent in writing. This notice will be delivered to the respondent, at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested.

### 7. Acceptance/Rejection of Disciplinary Action

- a. The respondent will have 14 days from the date disciplinary action notice was mailed to advise the Executive Director in writing of acceptance or rejection of the proposed disciplinary action.
- b. If respondent accepts the proposed disciplinary action then the punishment is enacted and the matter is deemed closed.
- c. The respondent may reject the proposed disciplinary action and have the case determined by the Division Board.

### 8. Division Board Hearing

- a. The Division President will schedule the Hearing either at the next meeting of the Board, or may conduct the hearing via conference call.



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- b. The Executive Director will provide the Division Board a copy of the investigators report and the proposed disciplinary action recommended by the Executive Director and the Division President.
- c. The respondent and complainant will have the opportunity to address the Division Board regardless if the meeting is held in person or conference call. If either party is not available at the hearing scheduled time, they may send a statement to the Executive Director who will distribute it to the Board.
- d. The Division Board may accept the action recommended by the Executive Director and Division President or may revise the action in any manner they deem necessary.
- e. The Executive Director will notify both the respondent and complainant of the Division Board's decision to be delivered at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested.

### 9. Acceptance/Rejection of Board Disciplinary Action

- a. The respondent will have 14 days from the date disciplinary action notice was mailed to advise the Executive Director in writing of acceptance or rejection of the Division Board's disciplinary action.
- b. If respondent accepts the proposed disciplinary action then the punishment is enacted and the matter is deemed closed.
- c. The respondent may reject the proposed disciplinary action and have the case determined by the TASO Board.

### 10. TASO Board Hearing

- a. The TASO Board Chairman will schedule the Hearing either at the next meeting of the Board, or may conduct the hearing via conference call.
- b. The Executive Director will provide the TASO Board a copy of the investigators report and the proposed disciplinary action recommended by the Division Board.
- c. The respondent and complainant will have the opportunity to address the TASO Board regardless if the meeting is held in person or conference call. If either party is not available at the hearing scheduled time, they may send a statement to the Executive Director who will distribute it to the TASO Board.
- d. The TASO Board may accept the action recommended by the Executive Director and Division President or may revise the action in any manner they deem necessary.
- e. The Executive Director will notify both the respondent and complainant of the Division Board's decision to be delivered at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested.
- f. The decision of the TASO Board is final and there is not further appeal.



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11. Attorneys' Fees. If any litigation is initiated by the Respondent against another party relating to these Policies and Procedures, the subject matter hereof, or any resulting disciplinary action, the prevailing party in such litigation shall be entitled to recover, in addition to all damages allowed by law and other relief, all court costs and reasonable attorneys' fees incurred in connection therewith.





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## ARTICLE II CHAPTER LEVEL COMPLAINTS

### SECTION A: GENERAL

1. Complaints involving chapter members shall be resolved by one of the following methods:
  - a. By any reasonable manner set forth in the Chapter Bylaws if the matter is reconciled with no sanctions to an individual;
  - b. By a due process hearing which includes timely notice, an opportunity to appear before the decision making authority, to present witnesses in their behalf, to controvert information adverse to their interests, and to cross examine witnesses providing information against them, if there is a possibility of chapter sanctions against any individual.
2. The initial decision making body may be one of the following:
  - a. The Chapter Board of Directors;
  - b. A subcommittee of board members;
  - c. A committee of chapter members.
3. Chapter Bylaws must contain procedures for selecting a subcommittee of board members, or a committee of chapter members (each hereinafter called committee), and for determining the number of persons to sit on same.
4. Chapter options:
  - a. The Chapter may reserve all disciplinary or ethics matters for determination by the full Board of Directors;
  - b. Committee powers may be limited to investigation with a report to the full Board of Directors.
  - c. The Chapter may delegate decision making authority to a committee.
  - d. The Chapter may require the first level of appeal of a committee decisions be to the full Chapter Board of Directors or directly to the Division level.
  - e. The Chapter Board may chose to make the decision of the committee final as to disposition within the Chapter, or the Chapter may make the committee decision appealable to the full Chapter Board of Directors.
  - f. There shall be no more than one committee within any one Chapter with ethics responsibility.
5. Notice means written notice, mailed "Certified Mail Return Receipt Requested" to the respondent at the most recent address furnished to the Chapter Secretary, e-mailed to the most recent e-mail address furnished to the Chapter Secretary, or hand delivered to the respondent that shall contain the following:
  - a. Date or dates of alleged infraction(s);
  - b. Description of alleged infraction(s);
  - c. Name of person initiating action unless determined to be confidential in accordance with following rules governing same;





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- d. Identification of provision of constitution, bylaws, or rules involved;
  - e. The day, time and location of the hearing;
  - f. The range of action that may be taken as a result of the proceedings;
  - g. In the absence of good cause shown, that failure to attend the hearing will terminate the respondent's rights to appeal any discretionary decision of the committee.
6. A respondent shall be given not less than 5 days notice of any chapter hearing which might result in action adversely affecting the respondent.
  7. Notice by "Certified Mail Return Receipt Requested" shall be presumed to be received by a respondent 5 days after deposit in the U. S. Mail, postage prepaid and addressed to the respondent's address contained in the official roster book of the chapter or Division. Notice by e-mail shall be presumed to be received by a respondent after 2 days sent and addressed to the respondent's e-mail address contained in the official roster book of the chapter or Division.
  8. At any stage during which new testimony or evidence is to be presented to a decision making body, the respondent shall be afforded a reasonable opportunity to be present during all proceedings involving evidence or testimony, the right to have another person represent them or to be represented by legal counsel, the right to a full disclosure of all evidence presented to the decision making body, or to a member of the decision making body, the opportunity to controvert all evidence against them, the opportunity to present witnesses in their behalf, and the right to cross examine all adverse witnesses, subject to limitations necessary to protect the confidentiality of a complainant or witness to be set out below. These Hearings may be in a face-to-face meeting, video conference or teleconference.
  9. Persons who initiate an ethics inquiry shall be afforded a reasonable opportunity to be present during all proceedings involving evidence or testimony, the right to have another person represent them or to be represented by legal counsel, the right to a full disclosure of all evidence presented to the decision making body, or to a member of the decision making body, the opportunity to present witnesses in their behalf and the right to cross examine all respondent's witnesses, subject to limitations necessary to protect the confidentiality of a complainant or witness to be set out below.
  10. The hearing should be conducted generally in accordance with Robert's Rules of Order, Newly Revised. However, bearing in mind the requirement of a basic sense of fairness, the chair may conduct the meeting in any way that results in a fair and orderly proceeding.
  11. Rules of Civil or Criminal Courts do not apply and hearsay evidence, affidavits, parole, and other forms of evidence not normally admissible in courtrooms may be admissible, provided disclosure is made to the respondent who shall have a reasonable opportunity to controvert such evidence.
  12. The presiding officer is responsible for insuring an accurate record is made of all hearings and that such record is available to all parties so long as an appeal is permissible under these guidelines. Failure to make and maintain an adequate record may be grounds for dismissal of a matter and/or the initiation of a separate ethics procedure against the person who failed to maintain accurate records.
  13. Any person displaying disruptive conduct, including legal counsel, may be barred from the proceeding.
  14. Confidentiality of Certain Complainants or Witnesses
    - a. TASO, as well as each Division and/or Chapter shall determine and set out in its Bylaws the person or persons (President/Committee Chair/specific vote of board or committee) necessary to determine that in the best interest of the sport (not chapter or individual members), the identity of a complainant or witness should not be disclosed to a respondent or other persons provided the respondent shall be furnished with the full statement of such undisclosed person

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as used by the decision making body and the respondent shall be provided the opportunity to submit written questions to the decision making body for submission to the undisclosed person or persons.

- b. The hearing person(s) responsible for making the decision as to confidentiality may alter or modify the questions submitted to clarify or to eliminate duplicate, argumentative, or irrelevant questions, as well as questions designed primarily to determine the identity of the undisclosed person before submission to the undisclosed person. The respondent shall be provided with copies of the questions as submitted and an opportunity to supplement. Questions that go to the heart of the respondent's defense may be reworded but not omitted. Questions may be added provided both questions and answers are made available to the respondent in a timely manner.
- c. The hearing body shall not consider the testimony or evidence of an undisclosed person who did not provide written responses to questions propounded to them under this section.

### **15. Time Limits**

- a. In the absence of a specific request from the Division board, the TASO, the University Interscholastic League (UIL) or the Texas Association of Private and Parochial Schools (TAPPS), a chapter may not discipline a respondent for an event that occurred more than one year to the initiation of the request.
- b. In the absence of good cause shown, a Division or Chapter should complete its investigation and hearing process within 180 days of the occurrence of the event or within 90 days of the disclosure of the event on which the charge was made, whichever is later. Good cause shown would include delays requested by the respondent or necessitated by verified illness sufficient to prohibit participation by necessary persons. However, due to the fact that TASO uses volunteer members as investigators and hearing committees, exceeding this time limit shall not be used to terminate the process.
- c. At the chapter level, a respondent shall have 30 days within which to perfect an appeal to the next highest level, of a decision resulting in action detrimental to the respondent.

### **16. Chapter Appeals**

- a. Final Chapter level action may be appealed to the Division. The respondent shall have 30 days to make the appeal. The appeal shall be made in writing to the District Director and the Division President.
- b. The respondent's District director shall review all appeals to the Division for compliance with these procedures and to insure basic fairness to all parties and within 10 days shall either return the appeal to the Chapter with a written explanation of the procedures the Chapter failed to follow or forward the appeal to the appropriate Division Board.
- c. If the District Director finds errors in the Chapter process, the Chapter should take such curative action as recommended by the District Director within 30 days or the matter shall be terminated in favor of the respondent.
- d. The appropriate TASO body shall set the matter for hearing not less than 30 days nor more than 90 days after receiving notice of the appeal from the respondent.
- e. The Chapter shall provide copies of all records including proposed disciplinary action to the District Director within 10 days of being notified of the appeal.



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### 17. Division Board Appeal Hearing

- a. The Division President will schedule the Hearing either at the next meeting of the Board, or may conduct the hearing via conference call.
- b. The Executive Director will provide the Division Board a copy of chapter's records and the proposed disciplinary action recommended by chapter.
- c. The respondent and complainant will have the opportunity to address the Division Board regardless if the meeting is held in person or conference call. If either party is not available at the hearing scheduled time, they may send a statement to the Executive Director who will distribute it to the Board.
- d. The respondent may reject the proposed disciplinary action and have the case determined by the TASO Board.

### 18. TASO Board Appeal Hearing

- h. The TASO Board Chairman will schedule the Hearing either at the next meeting of the Board, or may conduct the hearing via conference call.
- i. The Executive Director will provide the TASO Board a copy of the investigators report and the proposed disciplinary action recommended by the Division Board.
- j. The respondent and complainant will have the opportunity to address the TASO Board regardless if the meeting is held in person or conference call. If either party is not available at the hearing scheduled time, they may send a statement to the Executive Director who will distribute it to the TASO Board.
- k. The TASO Board may accept the action recommended by the Executive Director and Division President or may revise the action in any manner them deem necessary.
- l. The Executive Director will notify both the respondent and complainant of the Division Board's decision to be delivered at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested.
- e. The decision of the TASO Board is final and there is no further appeal.

*Approved by the TASO Board 05-14-2011*

*Revised May 11, 2012*

*Revised May 16, 2014*

*Revised April 26, 2015*