

USAW-Kansas Kids
STATE BODY MEETING

Quality Inn & Suites of Salina, 2110 W Crawford St, Salina, KS
October 6, 2019 – 1:00 p.m.

AGENDA

- I. Roll Call by Registration
- II. Amendments to Agenda
- III. Approval of Minutes - 2018 State Body Meeting
- IV. Report of Officers
 - A. Folkstyle Director Matt Treaster
 - B. Treasurer James Bilby
 - C. Assistant Folkstyle Director Mark Stanley
 - D. Freestyle/Greco Director Will Cokeley
 - E. Women’s Director Joe Knecht
 - F. Officials’ Director Keith Ashpole
 - G. District 1 Director Joe Knecht
 - H. District 2 Director Richard Salyer
 - I. District 3 Director Rich Zimmerman
 - J. District 4 Director Scott Edwards
- V. Old Business
 - A. Proposed By-Laws Changes – approved by board
 - 1) New Section II (Discipline). See attached.
 - 2) Require that officials must work a district tournament to qualify to work the state tournament unless they provide a waiver from the state officials’ director and the state folkstyle director.
 - B. Proposed By-Laws Changes – not approved by board
 - 1) Change to online purchase of competitor memberships.
 - 2) Change age groups to reflect calendar year instead of August 31.
 - 3) Allow girls the option of competing against boys at the state folkstyle tournament.
 - C. Election of Officers
 - 1) KWCA/University Representative
 - 2) Coaches’ Development Director
 - 3) Officials’ Director
 - 4) Women’s Director
 - 5) Freestyle/Greco Roman Director
 - 6) Assistant Folkstyle Director
 - 7) Folkstyle Director
 - 8) State Chairman
- VI. New Business
- VII. Adjournment

Proposed new Section II (Discipline)

SECTION II: DISCIPLINE

It is the intention of USAWKS to provide for a safe and enjoyable environment where its members can enjoy the sport of wrestling and develop both life skills as well as wrestling abilities. When actions by coaches, athletes, officials or others interfere with this goal, USAWKS may take certain disciplinary actions. In addition, all matters that fall within USA Wrestling Safe Sport Policy and Coaching Codes of Conduct should comply with those national policies.

ARTICLE I - EJECTION FROM SANCTIONED EVENT

- (1) Every ejection from a USAWKS sanctioned event by either an official or the tournament director shall be reviewed by the tournament disciplinary committee. For events other than the state folkstyle tournament this committee shall be comprised of the head official, the tournament director and certified member coaches from two participating clubs not otherwise involved in the ejection. The member coaches shall be selected by the tournament director.
- (2) The tournament disciplinary committee at the Kansas Kids State Championship shall include the Assistant Folkstyle Director and the four District Directors. If one of these individuals cannot or is not willing to serve on this committee then the Folkstyle Director shall appoint a disinterested individual, who is a current USAW Wrestling Leader member, to serve on the committee. If the individual being replaced is a District Director, then they shall be replaced by someone from that same District.
- (3) The committee must meet as soon as practicable but no later than 30 minutes following the conclusion of the tournament. Failure of the committee to meet shall result in no additional sanctions for the ejected party.
- (4) The ejected individual shall have the right to have someone advocate for them with the tournament disciplinary committee, but the ejected individual may not directly meet with the committee unless such a meeting is requested by the committee. It is the responsibility of the ejected individual to have their advocate contact the disciplinary committee if they wish to have such representation. The committee may gather information either in writing or orally on the ejection incident from anyone with first-hand information. After considering the information provided the committee must take two votes, as follows. A majority vote is required on each vote.
 - a. First, should the ejection be upheld?
 - b. Second, if the ejection is upheld should additional sanctions be applied?
- (5) If the committee votes to apply additional sanctions, the guidelines provided in Article II(3) should be followed.

Proposed new Section II (Discipline)

- (6) If the committee votes to uphold the sanction and apply additional sanctions, this must be reported to the state through a form designed for this purpose. The form can be found on the USAWKS website at <http://www.usawks.com/Kids/Eject.pdf>.

ARTICLE II – OTHER SANCTIONS

- (1) In addition to sanctions resulting from ejection from a tournament, additional disciplinary proceedings may result from one or any combination of the following:
- a. Any action that harms the reputation of the sport.
 - b. Flagrant and/or repeated destruction of personal and/or public property.
 - c. Falsification of documents regarding wrestling.
 - d. Disciplinary suspension and/or expulsion from a chartered club.
 - e. Theft by an individual or individuals from USA Wrestling, USAWKS, a sanctioned event, a chartered club or any subdivision of USA Wrestling.
 - f. Abusive actions or language, or unsportsmanlike conduct by a contestant, spectator, coach, table worker, or official.
 - g. Any violation of the USA Wrestling Safe Sport Policy.
- (2) Any USAW member or the parent or legal guardian of a competitor under the age of 18, (the petitioner) may initiate a disciplinary action, or request for additional disciplinary action, against any member of the Board of Directors, State Officer, State Committee member, chartered club, competitive member, official, coach, tournament worker, or spectator (the respondent).
- a. In order to initiate a disciplinary proceeding the petitioner must provide the District Director, in the District where the alleged event occurred, with a detailed written complaint specifically requesting that action be taken. If all the alleged events did not occur in a single District, then the complaint should be filed with the District Director of the respondent. The complain must be filed within 21 days.
 - b. If the petitioner believes the complaint may fall under the USAW Safe Sport Policy they may file a complaint with USAW or with the USAW-Kansas Safe Sport Coordinator. A complaint filed with the USAWKS Safe Sport Coordinator will be reviewed by the coordinator to determine whether to forward it to USA Wrestling. If the complaint is not forwarded to USA Wrestling it will be handled by the District Disciplinary Committee under these procedures.
 - c. If a complaint is filed with the District Director, said director shall form a District Disciplinary Committee to review the allegations. The committee shall be chaired by the District Director and include the two Assistant District Directors and two at large

Proposed new Section II (Discipline)

members. Each Assistant District Director shall pick one of the two at-large members to serve on the committee. If one of the members of the District Disciplinary Committee is affiliated with the home club of the petitioner or respondent, then the District Director shall find a replacement for that committee member. If the District Director is affiliated with the petitioner or respondent, then the State Chairman shall appoint one of the other District Directors to chair the committee for that complaint.

- d. The District Disciplinary Committee shall review any Disciplinary Request form or Official Ejection Report submitted within ten days of its receipt. The Committee may gather information either in writing or orally in relation to the request from anyone with first-hand information. Both the petitioner and respondent may submit information to the committee.
- e. The District Disciplinary Committee may conduct its review and vote in person, by conference call, or by email.
- f. In order for there to be any disciplinary action taken against an individual at least a majority of the disciplinary committee must make a finding that the individual was found to have violated one of the actions listed above in paragraph 1 of this Article.

(3) Sanctions Related to Disciplinary Actions

- a. Upon a finding that an individual or entity has committed a USA Wrestling Safe Sport violation, the following sanctions may be applied. The committee has the authority to modify these sanctions where they feel modifications are appropriate. All sanctions shall be posted on the USAWKS website.
 - i. First occurrence within a 3-year period - warning
 - ii. Second occurrence within a 3-year period - Eight (8) day suspension
 - iii. Third occurrence within a 3-year period - Twenty-Four (24) day suspension
 - iv. Fourth or more occurrence within a 3-year period - One (1) calendar year suspension
- b. Individuals under suspension will not be allowed to participate in and/or attend any other sanctioned tournaments, meetings, events, or practices from the date of the ejection.
- c. If the committee feels the recommended sanctions are not appropriate for the infraction it may establish its own sanctions. This should be done with a clear explanation to all parties of the reason for the deviation.
- d. In the event that a sanction is imposed, the individual should be informed in writing (letter or email) of the reasons for the sanction, the penalties being imposed and the options for appeal of the decision.

Proposed new Section II (Discipline)

(4) Definitions

- a. Suspension is the removal of an individual or entity from membership in the organization for a set period of time. During the period of suspension, the suspended party shall not be allowed to participate in and/or attend any sanctioned tournaments, meetings, events, or practices.
- b. Expulsion is the permanent removal of an individual or entity from the membership in the organization. During the period of expulsion, the expelled party shall not be allowed to participate in and/or attend any, sanctioned tournaments, meetings, events, or practices.
- c. Probation is a period of time in which an individual or entity's fitness for membership in the organization is being tested and reviewed. During a period of probation any sanctionable offense, or violation of a term of probation, shall be reviewed directly and solely by the State Committee on Discipline. Reports of any sanctionable offenses or violations of probation shall be sent directly to the State Chairman. During the period of probation, by majority vote, the State Committee on Discipline may make changes to the terms of the probation, suspend the member, or expel the member. Any decision of the State Committee on Discipline is not reviewable during a period of probation.

ARTICLE III - APPEAL PROCEDURES

- (1) Any individual or entity that is disciplined or sanctioned has the right to appeal an ejection, sanction, or disciplinary action. However, any action of a person or entity who is on probation at the time of the action will be reviewed only by the State Committee on Discipline and may not appeal to any other committee for review. Any disciplinary actions shall be suspended pending a ruling on the appeal.
- (2) Appeal to the State Committee on Discipline
 - a. Any individual or entity that has been disciplined or sanctioned by a District Disciplinary Committee or Tournament Disciplinary Committee has the right to appeal to the State Committee on Discipline. Any appeal must occur within 10 days of the date of notification of the sanction.
 - b. The State Committee on Discipline shall include the State Safe Sport Coordinator and either the Folkstyle Director or the Freestyle/Greco-Roman Director (as selected by the State Chairman). If one of these individuals cannot or is not willing to serve on this committee, then the State Chairman shall appoint a reasonably unbiased individual, who is USAW Wrestling Leader member, to serve on the committee. In addition, four club directors will be selected at random from each of the four districts. If one of the individuals cannot or is not willing to serve, additional random draws from that district will occur until the position is filled.

Proposed new Section II (Discipline)

- c. No member of the committee shall have served on the committee whose ruling is being appealed. No members of the committee may be involved in the incident being appealed. If any member is excluded under this section that seat will be filled as described in the previous section.
 - d. The individual or entity that has been disciplined or sanctioned must initiate their appeal in writing (including email) to the State Chairman.
 - e. The State Chairman shall provide a copy of the appeal to the members of the State Committee on Discipline within three days of its receipt.
 - f. The State Committee on Discipline shall be chaired by the State Safe Sport Coordinator. The committee shall endeavor to gather all relevant information regarding the appeal. The party filing the appeal may also provide the State Chairman with information to be forwarded to the members of the State Committee on Discipline.
 - g. The State Committee on Discipline may review the materials at a meeting in person, by phone conference, email, or a combination of those. After reviewing the materials provided, the Committee shall then vote by majority rule to uphold the finding of the sanction, reverse the sanction, or modify it in any manner, including adding additional sanctions.
 - h. The State Committee on Discipline shall review any appeal within ten days of the appeal being filed with the State Chairman. If additional time is required to obtain the necessary information the committee will notify the interested parties of the delay and the reasons for the delay. In any event the committee must provide a final response within 21 days of the appeal.
- (3) Appeal from the State Committee on Discipline
- a. If the USAWKS Safe Sport Coordinator determines that the complaint is subject to the USAW Safe Sport Policy, any appeal must be made to USA Wrestling and will not be covered under the following additional appeals procedures.
 - b. An individual or entity (appellant) may appeal any sanction or disciplinary action of the State Committee on Discipline. To initiate an appeal the appellant must provide in writing (including email) to the State Chairman the basis for his or her appeal and must also make a payment of \$100 made payable to USAWKS. The deposit shall be refunded if the appellant is found not guilty of the violation which is the cause of the action.
 - c. Such an appeal will be conducted as an informal hearing. The hearing will be conducted at the next regularly scheduled meeting of the Corporate Board or at a special meeting of the Corporate Board, whichever is sooner.
 - d. The members of the Corporate Board shall serve as the Appeals Board and determine any sanction or disciplinary action taken by majority vote. At least one half of the members of the Corporate Board must be present for there to be a quorum present

Proposed new Section II (Discipline)

during the hearing. If there is no quorum present for the hearing, then the hearing must be continued to the next regular meeting or special meeting of the Corporate Board.

- e. The State Chairman shall serve as the presiding officer at the hearing. The Folkstyle Director shall serve in this capacity if the State Chairman is not available.
- f. The State Safe Sport Coordinator shall advocate (the committee's advocate) on behalf of the position of the State Committee on Discipline. The Freestyle/Greco-Roman Director shall serve in this capacity if the State Safe Sport Coordinator is not available.
- g. The appellant may have an advisor present with him. This advocate must be member in good standing with USAWKS. The advisor can consult with the appellant but may not address the panel or advocate for the appellant.
- h. The Hearing Procedure
 - i. The presiding officer shall call the hearing to order.
 - ii. The hearing is not open to the public and shall be held privately. Only members of the Corporate Board, the appellant, and his advisor may be present at the hearing.
 - iii. The Secretary shall read the complaint and specifications out loud to those present.
 - iv. The presiding officer shall ask the appellant how he or she pleads to each specification or charge. The accused may admit, deny, or not contest, each specification or charge. If the appellant admits or does not contest each of the specifications or charges, then the case will proceed to disposition. If the appellant denies any or all of the specifications or charges, then the case will continue.
 - v. The committee's advocate may present witnesses. The appellant may question those witnesses.
 - vi. The appellant may present witnesses. The committee's advocate may question those witnesses.
 - vii. Each party will then have an opportunity for rebuttal witnesses and to question those witnesses.
 - viii. The committee's advocate may make a closing statement followed by the appellant. The committee's advocate may then make a final statement.
 - ix. The Appeals Board shall then deliberate, in private, as to whether the appellant did or did not do the acts he/she is accused of doing. The Appeals Board shall vote by majority of those present and will use a preponderance of evidence standard of proof (more likely than not) to determine whether or not the appellant committed the acts he/she is accused of committing.

Proposed new Section II (Discipline)

- x. If the Appeals Board finds that the appellant did not do any of the sanctionable acts he/she is accused of doing, the appellant will be immediately informed of their finding and any record of a contrary finding will be deleted from the records of USAWKS. Further, any sanction or disciplinary action previously taken will be immediately removed.
 - xi. If the Appeals Board finds that the appellant did commit any of the sanctionable acts he or she is accused of doing, the case will proceed immediately to disposition.
 - i. Disposition Procedure
 - i. A majority of the individuals serving as the Appeals Board must agree on the cases disposition. Once they have determined a disposition they will notify the appellant in writing (email or postal mail) of their finding. Notice will be delivered promptly.
- (4) Appeal from the Corporate Board Hearing
- a. Any party who has gone through the hearing and/or disposition procedure of the State Committee on Discipline may appeal this disposition to the State Membership at the next meeting of the State Body. In order to initiate such appeal, the appellant must submit a payment of \$250 to the treasurer of USAWKS and inform the State Chairman in writing (including email) that he wishes to appeal the disposition of the Corporate Board. The appeal will then be placed on the agenda of the next meeting of the State Body.
 - b. Appeal Process at the State Body Meeting.
 - i. The charges, findings of the Appeals Board, and disposition of the Appeals Board will be read to the state body by the secretary.
 - ii. The appellant may make a statement to the State Body.
 - iii. The committee's advocate may make a statement to the State Body.
 - iv. The appellant will leave the room.
 - v. The State Body will vote by majority vote to do the following: leave the disposition the same or lessen any disciplinary action or sanction. The State Body may not increase the disciplinary action or sanction of the appellant.
 - vi. The appellant will then be informed by the State Chairman of the State Body's decision.

ARTICLE IV - REINSTATEMENT

- (1) Reinstatement of Suspension

Proposed new Section II (Discipline)

- a. Following the successful completion of an individual or entity's period of suspension, they shall be reinstated as a member of the organization.
- b. Once an individual or entity is reinstated as a member, they may be required to serve a period of probation, with additional conditions, through a majority vote of the State Committee on Discipline.
- c. After an individual or entity has served 75% of their suspension period they may request an early reinstatement. This request shall be in writing to the State Chairman. The request will also include a deposit of \$250 made payable to USAWKS.
- d. A copy of the request will be sent to each member of the State Committee on Discipline.
- e. The State Committee on Discipline will meet in person, by conference call, or by email. The State Committee on Discipline will determine, by majority vote, if the individual shall be reinstated early, and if so, any other actions including terms of a probationary period which are imposed.
- f. Any expenses of the State Committee on Discipline, or the cost of any terms of the probationary period, shall be borne by the suspended party.

(2) Reinstatement of Expulsion

- a. An individual or entity may request reinstatement in the membership of the organization at any time after they have been expelled for a period of five years. This request shall be in writing to the State Chairman. The request will also include a deposit of \$500 made payable to USAWKS.
- b. A copy of the request will be sent to each member of the State Committee on Discipline.
- c. The State Committee on Discipline will meet in person, by conference call, or by email. The State Committee on Discipline will determine by majority vote if the individual shall have the expulsion lifted, and if so, any other actions including terms of a minimum one-year probationary period.
- d. Any expenses of the State Committee on Discipline or the cost of any terms of the probationary period shall be borne by the suspended party.