

SPOKANE COUNTY PARKS AND RECREATION APPEAL PROCESS

Section 1. Spokane County Parks and Recreation Mission Statement and Philosophy.

“The mission of the Parks and Recreation Department is to enhance the general quality of life for the residents of Spokane County by providing the highest quality and quantity of parks, recreation, open space and related cultural opportunities given the available resources.”

Spokane County Parks and Recreation programs league and tournament play in a variety of sports. The objective is to provide recreational opportunities for the citizens of Spokane County and many participants outside of Spokane County. The principles of participation, diversity, safety and fun guide the Department’s programs; and, take precedence over final scores and standings.

Section 2. Purpose of Appeal

Recreation program guidelines--such as rules, athletic code of conduct, and registration terms and conditions—are designed to maintain the peace and order necessary to provide a fun, safe, and enjoyable experience for every participant. To assure individual accountability and program integrity, disciplinary measures may be imposed by County staff upon participant(s) in response to certain conduct alleged to violate program guidelines. This Appeal Process exists to provide an avenue for a participant to challenge disciplinary measures when he or she strongly believes such measures are not warranted.

Exception / Clarification: Many County recreation programs utilize non-County owned facilities and properties to host play. Therefore, it is possible that a facility or property owner, or a representative of the owner, may direct Spokane County staff to relay, impose, or uphold access facility/property restrictions applicable to a Spokane County Recreation League program participant(s) where participant violates (or is perceived to violate) facility/property rules or guidelines. Such occurrences fall outside the scope, authority, and purpose of this Appeal Process. However, if County staff were to execute access restrictions to a program participant on the same basis as a component of disciplinary measures imposed pursuant to program guidelines (e.g. participant not allowed to be present during league play for a set amount of games) and such measure was not imposed

at the direction of (or otherwise affirmed in writing by) a non-county owned facility/property owner/representative, such measure would be subject to Appeal as outlined herein.

Section 3. Appeal Application Form / Fee / Deposit

Unless otherwise noted, Team Captains and/or players participating in Spokane County programs, have the right to appeal disciplinary measures imposed by County staff. To appeal, one must complete the County Appeal Application Form and submit to the Spokane County Parks and Recreation Department within five (5) business days of receipt of the official written Notice of Disciplinary Action along with an Appeal Application Fee of \$250.00 and Deposit of \$250.00, in accordance with the procedure set forth herein.

Note:

- i. Recreation programs are challenged to recover all associated costs. It is not feasible to impose an Appeal Application Fee large enough to recover costs, which can quickly add up to several thousands of dollars in staff time. Thus, such costs are generally recovered through participant fees. Like those imposed by many other athletic sanctioning bodies, the size of the County's Appeal Application Fee is intended to discourage unwarranted Appeals. Further, the Deposit is established in an amount to discourage an Appellant(s) from filing an Appeal without intent to follow through with the Appeal process. The Deposit shall be refunded subject to / following the Appellant(s) active participation (presence) in the Appeal Hearing.*
- ii. Given the nature of sport generally, as well as the unique circumstances related to competition timelines and tournament play, any disciplinary measures imposed by the County shall remain in effect, pending the decision on the matter appealed. Additional reasons for giving immediate effect to disciplinary actions include the possibility that the interests of third parties may be prejudiced by the continued participation of the offending coach/participant or that appeal rights may be exercised to avoid disciplinary measures altogether.*

Section 4. Appeal Board Members, Role and Powers

The Appeal Board(“Board”) shall consist of three (3) voting Members and one (1) non-voting department staff member as the Board Chair(“Chair”). Current appointees of the Spokane County Parks Advisory Committee (PAC) shall represent the pool of eligible voting Appeal Board Members.

The Board shall review appeals of disciplinary measures to determine whether the measures imposed were in compliance with established program guidelines. The Board is empowered to reverse disciplinary measures, should it determine said measures were unjustly imposed. In such circumstances, the Appeal Board may also “recommend” to the Chair additional measures in favor of the Appellant, if warranted under program guidelines. Conversely, the Board is empowered to uphold disciplinary measures as levied by County staff, if found to be justly imposed; and, additionally, to “recommend” to the Chair, additional disciplinary measures in conformance with program guidelines. There are many reasons a participant may choose to appeal disciplinary measures. However, lack of knowledge or disagreement of accepted terms of participation shall not be considered a valid reason.

The Chair shall be a non-voting department staff member selected by the Director of the Spokane County Parks, Recreation and Golf Department. Care shall be taken to select a staff person, not directly involved in the matter under appeal. The Chair shall be responsible for such matters as: assembling the Board and scheduling the Appeal Hearing; establishing timelines for exchange of information; controlling the order and procedure of the hearing; and any other matter which may assist in carrying out the Appeal proceedings. In the event the Board (voting members) were to render a decision that included additional “recommendations” to the Chair, the Chair is empowered to review and: (1) accept, (2) partially accept, or (3) reject the “recommendations” of the Board; and, the Chair’s decision on such matters shall be noted and incorporated into the official Decision of the Board (See Section 12 Decision).

Section 5. Appeal Hearing Notice

All notices with regards to the process outlined in this policy will be sent electronically by the Chair or designee, to the Appellants email address(s) listed on the Appeal Application. All

correspondence will be deemed to have been received and read two (2) business days after delivery.

An Appeal Hearing shall be scheduled as quickly as possible following receipt of a completed Appeal Application Form and the fees and deposit required by Section 3 within the established timeframe. Appeal Hearings shall be scheduled solely at the convenience of the volunteer Board Members. Notice of Appeal Hearing shall be given to the Appellant(s), a minimum of three (3) business days in advance of an Appeal Hearing and shall include: (1.) the time, date and place where the Appeal Hearing will take place; (2.) a reminder that if the Appellant(s) does not attend the Hearing, the Appeal Board will proceed in his or her absence; and (3.) who the Appellant(s) may contact if they are confused or unsure how to proceed.

Section 6. Appeal Hearing Information

The Hearing process shall be reasonable and proportionate to the allegation, complaint or impending Decision.

In preparation for the Appeal Hearing, each Board member and the Appellant(s) shall receive a package of information, consisting of: (1) a copy of the completed Appeal Application Form; (2) a copy of the Notice of Disciplinary Action; (3) a copy of applicable program guidelines (e.g. rules, athletic code of conduct, and other registration terms and conditions agreed upon at registration); (4) any applicable correspondence between the Appellant(s) and Spokane County Parks and Recreation staff; (5) observer report(s) from Spokane County staff and/or witnesses; (6) a copy of this Appeal Process document; and (7) other documentation as determined applicable by the Chair of the Board.

Section 7. Confidentiality

Hearings are not open to members of the public. *However, all public records as defined in RCW 42.56.010(1) relating to a hearing are subject to disclosure pursuant to the Washington Public Records Act, Chapter 42.56 RCW.*

Section 8. Admissibility of Evidence

The Board is not bound by formal rules of evidence. The Board shall not admit or consider additional information beyond that submitted as outlined herein Sections 7 and 11 prior to the Appeal.

Section 9. Questioning

The Chair of the Board must allow, but may reasonably limit, the questioning of a witness, where the Chair is satisfied that questioning has sufficiently disclosed and/or tested the evidence. The Chair can limit the questioning of a witness if it is believed that it is irrelevant, abusive or otherwise inappropriate.

Section 10. Witnesses

If the Appellant(s) would like to bring witness(es) to the Hearing, then they must notify the Chair in writing via email of their desire to request the presence of a witness at least two (2) business days prior to the scheduled Appeal Hearing. Such request must include the following:

1. Witnesses must be identified by name and connection to the matter with a brief summary of the testimony to be provided.

The Chair reserves the right to refuse a list of witnesses submitted after this time. The Chair may limit the number of witnesses permitted to testify and reserves the right to require reasons for witness requests that appear to be excessive and/or unnecessary. Witnesses will be questioned on an individual basis, as appropriate. It is the responsibility of the Appellant(s) to contact their witnesses, informing them of the hearing date, time, and location.

Section 11. Appeal Hearing Process

The Appeal Hearing shall proceed generally in the following manner: (1) with Appellant(s) and Defendant(s) present, the Chair introduces the Board members and explains how the Hearing will proceed (2) the Chair provides a synopsis of the disciplinary measure(s) imposed that are under appeal; (3) the Appellant(s) present their case, making opening statements, calling witnesses

as pre-approved by the Chair to testify before the Board and/or to submit written statement from the Witness, to reinforce testimony; or, in lieu of Witness testimony/presence, a witness statement may be submitted, provided it is consistent with Witnesses Section 10.1 herein as determined by the Chair. Board members may seek clarification from the witness(es) and/or Appellant (s). (4) Defendant(s) present their case, making opening statements, calling witnesses as pre-approved by the Chair to testify before the Appeal Board and/or submit written statement from the Witness, to reinforce testimony; or, in lieu of Witness testimony/presence, a witness statement may be submitted, provided it is consistent with Witnesses Section 10.1 herein as determined by the Chair. Board members may seek clarification from the witness(es) and/or Defendant(s); (5) Appellant(s) address questions as applicable from the Appeal Board, followed by Appellant(s) closing statement; and (6) Chair of the Appeal Board closes Hearing.

The Chair, on behalf of the Board, reserves the right to make decisions and rulings through the course of the Hearing as necessary to maintain order and to ensure that the Hearing is conducted in a fair and timely manner.

Section 12. Decision

When the Hearing is complete, the Board adjourns to deliberate the case and make its decision. The Appeal Board will render a decision via simple-majority vote (2 or more votes in-favor) as cast by the three (3) Voting Appeal Board Members as follows:

In considering the Appeal, the Appeal Board (voting members) may decide to:

- 1) Reverse disciplinary measures should the Board determine said measures were unjustly imposed.
 - a. In such circumstance, the Board may also “recommend” to the Board Chair, additional consideration in favor of the Appellant, should the Appeal Board find it is warranted.
- 2) Uphold disciplinary measures as levied by county staff, should the Board determine said measures were justly imposed.

- b. In such circumstance, the Board may also “recommend” to the Board Chair, additional disciplinary measures in conformance with program guidelines, should the Board find it is warranted.
- 3) In the event the Appeal Board (voting members) were to render a decision that included additional “recommendations” to the Chair of the Appeal Board, the Chair is empowered to review and: (a) accept, (b) partially accept, or (c) reject the “recommendations” of the Board (voting members) and such shall be noted and become a component of the Decision of the Appeal Board.

When a decision has been made, the Chair shall issue notice of the Appeal Board Decision in writing to the Appellant(s). Every effort shall be made by the Chair to issue the Appeal Board Decision within three (3) to five (5) business days following the date of the Appeal Hearing. If additional time is needed above and beyond five (5) business days, the Chair shall notify the Appellant(s) of extenuating circumstances and provide an estimated date for issuance of the decision.

It shall be the responsibility of the Appellant(s) to communicate the Appeal Board’s Decision to the team captain and broader members of the team at the discretion of the Appellant(s). Spokane County will not disseminate the written Appeal Board Decision unless requested.

The Decision of the Appeal Board shall be final and binding upon all parties.

Spokane County Parks and Recreation Appeal Process Adopted by Spokane County staff March 2019