

### ARTICLE III JUDICIARY OF THE AAU

**A. Judicial Bodies.** The Judicial Bodies of the AAU shall enforce the provisions of the AAU Code and ensure that members and affiliates are afforded due process by means of reasonable notice and opportunity for a hearing as to matters in which they hold an interest.

#### **1. National Board of Review**

**a. Powers:** The National Board of Review has the powers to:

1. Upon its own initiative, or pursuant to an appeal or a complaint, investigate any act or omission regarding violations of the AAU Constitution, Bylaws, Policies or Sport Rules.
2. Require the production of documents, oral or written statements, or any information or material relative to any matter before the Board.
3. Dismiss a complaint or appeal or conduct hearings and enter decisions relative to any matter before the Board.
4. Vacate, modify, sustain, or reverse any decision, mandate or order or refer matters to another entity for resolution.
5. Impose and enforce penalties, which may include but are not limited to suspension, expulsion, probation, fines, or disqualification.
6. Assess costs and expenses against the party creating such expenses.
7. Order an audit of a District, and depending upon the findings of the audit, refer cases for civil and/or criminal proceedings.
8. Establish, amend, rescind, interpret, review and enforce rules and procedures utilized by the AAU judicial bodies.
9. Interpret and enforce the provisions of the Constitution, Bylaws and National AAU Policies.

**b. Jurisdiction.** The Board of Review may review any decision, action, or omission by a member or other entity (other than the Congress) which is a part of the Union or any of its activities. The Board of Review may exercise original jurisdiction in any matter including the actions or omissions of a District member.

**c. Composition.** The Board of Review shall consist of a maximum of five (5) members of the AAU composed as follows:

1. The President shall appoint the Chair from a panel of three (3) candidates nominated by the Board of Directors.
2. The Board of Directors shall nominate two (2) resident members from each of the four (4) zones from which Congress shall elect one (1) member from each zone.

- d. Eligibility to Serve.** Any member of the AAU shall be eligible to serve on the Board of Review except voting members of the Board of Directors, members of the Board of Appeals, and National Sport Committee Chairs.
- e. Term of Office.** Members of the Board of Review shall serve until their terms expire, or until they resign, become disqualified, or are removed by a three-fourths (3/4) vote of the Congress. The term of office for those elected shall be four (4) years. The term of office for the appointed chair shall be six (6) years. All members of the Board of Review shall be eligible for re-election or re-appointment.
- f. Vacancies.** Vacancies on the Board of Review may be filled by the President who will appoint a member to serve until the next meeting of Congress at which time the vacancy shall be filled as prescribed in this article.

## **2. Board of Appeals.**

- a. Powers.** Any decision of the Board of Review may be appealed to the Board of Appeals. The Board of Appeals may:
  - 1.** Vacate, modify, sustain, reverse or remand any decision of the Board of Review in which the appellant sustains one or more of the following bases of appeal:
    - a.** Misapplication or misinterpretation of AAU Code or policies;
    - b.** Newly discovered evidence;
    - c.** Findings of fact contrary to the evidence presented; or
    - d.** Excessive penalties.
  - 2.** Assess costs and expenses against the unsuccessful party.
- b. Composition.** The Board of Appeals shall be composed of the Chair of the Legislation Committee, the Chair of the Registration Committee and three other members of the AAU appointed from time to time by the President. The Chair of the Legislation Committee shall act as Chair.
- c. Standard of Review.** The standard of review of the Board of Appeals shall be whether there is substantial evidence to uphold the decision of the Board of Review and/or whether the Board of Review abused its discretion.
- d.** The Congress may assume appellate jurisdiction to review any decision of the Board of Appeals at the next regularly scheduled meeting of Congress.

### 3. District Review Committee

a. **Powers.** The District Review Committee powers are:

1. Investigate allegations regarding violations of any regulation to which District members are subject;
2. Review any decision of a District Committee;
3. Hold hearings in accordance with procedures established by the National Board of Review.
4. Impose penalties, which may include suspension, expulsion, censure, reprimand, fines, restitution, warning, probation, or other appropriate penalty.

b. **Jurisdiction.** Complaints against club or individual members of the AAU in regard to a matter at the District level may be heard by the Review Committee.

4. **Infractions Committees and Disciplinary Officers.** If provided for by its operating rules, National Sport Committees and District Sport Committees may designate individuals as disciplinary officers, or establish an Infractions Committee for the purpose of enforcing the rules of the sport. The authority of such officers or committee is subject to the requirements of this article of due process and the right to appeal.

**B. Authority.** The appropriate judicial body may exercise its authority as to any member, entity, or affiliate of the AAU which is determined to have violated the AAU Code including but not limited to the following:

1. **Fraud.** The falsification of the truth for the purpose of participation in any competition, or acts of deceit, misrepresentation, concealment, or a misstatement of fact or intention.
2. **Competing for Money.** Members who are registered as youth athletes may not directly or indirectly receive pay or financial benefits in consideration of or as a reward for participating in athletic competition or exhibition beyond reasonable expenses, or dispose of prizes from athletic competition for personal gain.
3. **Becoming a Professional Athlete.** When an athlete receives compensation (or agrees to receive compensation) to compete or participate in any professional competition or exhibition in any sport, the athlete shall be ineligible to compete in AAU competition in that sport.
4. Aid or abet any athlete to disqualify himself.
5. **Doping.** Doping or the use of drugs before or during competition is prohibited. Doping is the administration of or the use by a competing athlete of any

substance foreign to the body or of any physiological substance taken in abnormal quantity or taken by an abnormal route of entry into the body, with the intention of increasing performance in competition in an artificial and unfair manner.

6. Aid or abet the use of controlled substances or doping by athletes.
7. Unfair dealing in connection with athletic competition.
8. Violation of AAU rules or policies.
9. Aid or abet any person to violate the AAU Code. A club member may be held responsible for violations by persons acting as a representative of the club.
10. Fail to cooperate with an AAU Judicial Body relative to the investigation of any matter; or fail to give evidence in any inquiry when so directed by the Judicial Body.
11. Any act which disturbs or obstructs a competition or which disrupts the interests of the AAU, or which brings the AAU into disrepute.

### **C. Procedures.**

1. **Hearings.** If a Judicial Body finds reasonable cause to believe the AAU Code has been violated, it shall provide an opportunity for a hearing to the person(s) or entity charged before making any decision or imposing any penalty.
  - a. Hearings may be waived by the party entitled to the hearing.
  - b. Reasonable notice must be given of the violation(s) charged, and the time, place and format of the hearing.
  - c. The Board of Review shall establish standard operating procedures for the Judicial Bodies, which upon approval by the Board of Directors shall become National Policy.
2. **Appeals.** Any decision of an AAU entity (except Congress) may be appealed to the appropriate Judicial Body. The Board of Review shall establish standard appeal procedures which upon approval by the Board of Directors shall become National Policy.
3. **Reinstatement.** Any member or other entity which has been disqualified, suspended, or made ineligible, may seek reinstatement by submitting an affidavit and petition to the body which rendered the decision, setting forth the grounds for the request for reinstatement.