



COVID-19 Vaccination Requirement Application Panel Procedures

Overview

This document provides a description of and general guidance to support the USOPC COVID-19 Vaccination Requirement Application Panel (the “Vax RAP”) in its review of requests for medical and religious exemptions from the USOPC’s COVID-19 vaccination requirement.

This document may be reviewed and updated by the USOPC from time to time to help ensure the Vax RAP is able to review requests for exemptions efficiently, effectively, and consistently. In the event updates are made, the USOPC will make the updated version available as soon as reasonably practicable. Any defined terms used in this document have the meanings assigned to them in the document titled “COVID-19 Vaccination Requirement.”

Note: NGBs may make a request to the USOPC to expand the scope of athletes and other participants subject to the December 1, 2021 deadline to include more than those on the long list in the event selection events take place after December 1. These requests will be reviewed and granted by the USOPC on a case by case basis, in its sole discretion.

Composition

The Vax RAP is composed of the following individuals; however, the USOPC will coordinate with this group to have alternate representatives available as necessary:

1. USOPC Chief of Security & Athlete Safety
2. USOPC Chief Ethics & Compliance Officer
3. USOPC Chief Medical Officer

Procedures

The Vax RAP will always use these procedures in making its determination on all requests for medical or religious exemptions from the USOPC’s vaccination requirement made by Covered Individuals:

- Medical and religious requests for exemptions will only be reviewed by the Vax RAP if the appropriate exemption form is completed in its entirety and submitted by the applicable deadline.
- The Vax RAP will meet as often as needed in order to thoroughly review the requests for exemptions that have been submitted, gather additional information as needed, and seek to communicate the decision to the individual making the request within one week of the USOPC’s receipt of the completed request form.
- Every request for an exemption will be evaluated against criteria provided in the Vax RAP’s working folder in Teams (the “Designated Location”) in order to ensure consistency, fairness, and compliance with applicable laws. Each Vax RAP member will receive basic training from the Legal Resource in these criteria and their application. The criteria take into account guidance from the Equal Employment Opportunity Commission (EEOC), the Centers for Disease Control and Prevention (CDC), and other applicable rules and regulations.
- In each case, the Vax RAP may take into account information outside of that provided in the Exemption Form, in making its determination. The Vax RAP will have access to key exemptions information and various reference materials at all times and is encouraged to gather as much information as is useful in each case from relevant sources, including the person requesting the exemption, in order to best understand the reasons and context for the request.
- The Vax RAP may consult with others, including but not limited to, legal, medical, and religious experts on an as-needed basis to obtain clarification on the criteria or obtain guidance on the applicability of the criteria to any individual case. Such experts will be made available to the Vax RAP on an ongoing basis. However, no individual that the Vax RAP consults with will be asked to



make a decision or participate in deliberation with the Vax RAP as their purpose is to simply provide information and expertise on specific questions from the Vax RAP as they arise. Further, each expert will have a responsibility to keep any and all information learned about any individual case confidential. Experts include, but are not limited to, the following:

- Legal Resource: Evangeline Rivera & Chris McCleary
- Medical Resource: Dr. Monica Gandhi
- Theological Resource: Reverend Joanne Sanders
- The analysis and final decision as to whether to grant or deny a request for an exemption will be documented in the Designated Location for recordkeeping purposes and will be treated as confidential information that will only be shared with individuals outside of the Vax RAP (and the individual making the request) on a need-to-know basis including, for example, to effectuate the testing protocol if an exemption is approved.
- Decisions on requests for exemptions are not required to be unanimous, but where they are not the Vax RAP must consult with the USOPC General Counsel before issuing its final determination. No Vax RAP determination may be made via less than a majority.
- The approval or denial of an exemption will apply to all of the Covered Individual's interactions with the USOPC¹. As an example, if an exemption is granted for a specific individual, that exemption will be honored for USOPC Delegation Events as well as that individual's involvement in OPTC activities and internally managed sport event activities. However, it is important to note that while a Covered Individual may have an approved exemption, this exemption applies only to the vaccination requirement and they will still be required to follow all other applicable COVID mitigation protocols, which may vary by activity.
- The Vax RAP may revisit any decision, in its sole discretion, if it learns of new or additional details or circumstances otherwise require it.

Appeal Process for Denied Exemption Requests

A Covered Individual may have an opportunity to challenge a denial of their exemption request:

- USOPC staff and contractors: the decision of the Vax RAP is final and there is no right to appeal the denial of an exemption. "Staff" includes USOPC payroll staff and temporary staff members. Vax RAP decisions are final for USOPC staff and contractors regardless of whether the USOPC staff or contractor also qualifies as an OPTC visitor or member of a USOPC Delegation Event.
- Participants in an internally managed sport activity: the denial of an exemption request may be appealed as outlined in U.S. Paralympics Complaint Procedures as an "opportunity to participate" type of complaint.
- OPTC visitors: the denial of an exemption request may be appealed to the OPTC Review Panel and will be handled according to the OPTC Review Panel's standard procedures.
- Members of USOPC Delegation Events: the denial of an exemption request may be appealed to the Games Administrative Board (GAB) as set forth in the applicable Games Delegation Terms. Such appeal will be handled according to the GAB's standard procedures.

In cases where a Covered Individual wants to appeal the decision of the Vax RAP but will be participating in OPTC activities, internally managed sport activities, and/or as a member of a USOPC Delegation Event, the appropriate body for appeal will be the first with which the individual will interact. As an example, if an individual will participate in activities at an OPTC but is also named a member of a USOPC Delegation Event and the USOPC Delegation Event is taking place first, they must appeal the denial of their exemption request to the GAB. In all cases, the scope of the appeal of the denial will be focused on the reasons for the denial. There is no right to the review of the rule itself and decision of the appeal body is final and binding and will apply across all interactions with the USOPC.

¹ Note that while the USOPC may honor an exemption for a member of a USOPC Delegation Event, rules of other third parties (e.g., the local organizing committee, the IOC, the IPC) may also apply and the USOPC has no control over those rules or their enforcement. Nothing in the USOPC's vaccination rules can replace or limit the rules of those third parties.