

AMERICAN ARBITRATION ASSOCIATION
Commercial Arbitration Tribunal

OLAYINKA AWOTUNDE, MARISA	§	
HOWARD, ANNIE KUNZ, JOSEF	§	
TESSIMA, TYNITA TOWNSEND,	§	
AND KELLY MCKEE	§	
	§	
V.	§	
	§	AAA Case No. 01-19-0002-1085
USA TRACK & FIELD, INC.	§	
	§	
V.	§	
	§	
137 AFFECTED ATHLETES	§	

FINAL ARBITRATION AWARD

I, the undersigned arbitrator (“**Arbitrator**”), having been designated in accordance with the Ted Stevens Olympic and Amateur Sports Act (“**Act**”), 36 U.S.C. § 220505 *et seq.*, and Section 9 of the United States Olympic Committee (“**USOPC**”) Bylaws, having been duly sworn, and having duly heard the proofs and allegations, and considering any and all evidence provided by Olayinka Awotunde, Marisa Howard, Annie Kunz, Josef Tessima, Tynita Townsend, and Kelly McKee (collectively “**Claimants**”), USA Track & Field, Inc. (“**USATF**”), and any one or more of the 137 affected athletes (collectively “**Affected Athletes**”) (individually “**Party**” or collectively the “**Parties**”) hereby finds, concludes, determines, and awards as follows:

I. Procedural History

On July 6, 2019, Claimants submitted their *Commercial Arbitration Rules Demand for Arbitration* and their *Section 9 of USOPC Bylaws Complaint Form* arguing “USATF wrongfully excluded them as team members of the 2019 Pan American Games Track & Field Team.”

On July 11, 2019, the Arbitrator was appointed to serve as the arbitrator in this proceeding. During the evidentiary hearing on July 17, 2019, the Parties confirmed there was no objection to the undersigned serving as the Arbitrator in this matter. No subsequent objection was filed or made.

On July 12, 2019, a preliminary hearing conference was conducted during which a briefing schedule was discussed and agreed upon.¹ During the preliminary hearing, the Parties agreed to present pre-hearing briefs no later than July 15, 2019 as well as any affidavits and declarations and exhibits. Further, during the preliminary hearing, the Parties agreed to present all direct testimony

¹ As set forth in the *Preliminary Hearing Report and Scheduling Order*, the Parties were to file stipulations and a joint list of uncontested facts on or before July 15, 2019. There was no such filing.

by and through affidavits and declarations. The Parties agreed to conduct the evidentiary hearing on July 17, 2019 beginning at 11:00 a.m. CT.

On July 12, 2019, AAA issued the *Notice of Hearing* confirming the evidentiary hearing to be held on July 17, 2019 beginning at 11:00 a.m. CT.

On July 13, 2019 at 1:40 p.m. CT, AAA issued the *Notice of American Arbitration Association Arbitration Hearing that Could Impact Pan Am Games Team Roster* to the Affected Athletes and provided *Preliminary Hearing Report and Scheduling Order, Commercial Arbitration Rules Demand for Arbitration, Section 9 of USOPC Bylaws Complaint Form* (filed by Olayinka Awotunde, Marisa Howard, Annie Kunz, Josef Tessima, and Tynita Townsend), *Section 9 of USOPC Bylaws Complaint Form* (filed by Kelly McKee), *First Amended Section 9 of USOPC Bylaws Complaint Form* (filed by Kelly McKee), and *Notice of Hearing*. On July 16, 2019 at 5:46 p.m. CT, via email, AAA provided the Affected Athletes updated call-in information for the hearing changing only the call-in password.

The final hearing was held via telephone conference on July 17, 2019 commencing at 11:00 a.m. CT and concluding at 9:02 p.m. CT. During the hearing, Olayinka Awotunde, Marisa Howard, Annie Kunz, Josef Tessima, and Tynita Townsend appeared by and through their counsel, David Greifinger of the Law Offices of David R. Greifinger, Kelly McKee appeared by and through her counsel, Greg Wright of Wright Schimmel, LLC, USATF appeared by and through its counsel, Steven B. Smith and Suzanne Crespo of Bryan Cave Leighton Pasiner, LLP, and Garrett Heath, Jordan Mann, Isaac Updike, Alexander Young, Allison Halverson, Riley Masters, Imani Oliver, Bethany Sachtleben, and Sam Mattis appeared by and through their counsel, Howard L. Jacobs, Lindsay S. Brandon, and Katlin N. Freeman of the Law Offices of Howard L. Jacobs. In addition to counsel, the following individuals attended the telephonic hearing: Emily Azevedo (USOPC), Sara Pflipsen (USOPC), Kacie Wallace (USOPC), Mac Cerceo (USOPC), Norm Wain (USATF), Aretha Thurmond (USATF), Annie Kunz (Claimant), Josef Tessema (Claimant), Tynita Townsend (Claimant), Marisa Howard (Claimant), Kelly McKee (Claimant), Olayinka Awotunde (Claimant), Bethany Sachtleben (Affected Athlete), Paul Dedewo (Affected Athlete), Sam Mattis (Affected Athlete), Amina Smith (Affected Athlete), Mel Lawrence (Affected Athlete), Riley Masters (Affected Athlete), John Hricay (Affected Athlete), Allison Halverson (Affected Athlete), Olivia Baker (Affected Athlete), Crystal Manning (Affected Athlete), Travis Mahoney (Affected Athlete), Isaac Updike (Affected Athlete), Jordan Mann (Affected Athlete), Devon Martin (counsel for Affected Athlete Monique Riddick), Monique Riddick (Affected Athlete), and Scott Simmons (coach for Affected Athletes Bernard Keter and Lawi Lalang). At the conclusion of the hearing, the Parties confirmed they were provided a full and fair opportunity to submit and argue necessary facts, allegations, legal arguments, evidence, and present all witnesses they deemed appropriate. During and at the conclusion of the hearing, no party or counsel filed an objection or indicated additional time was necessary to fully and fairly present this matter for consideration.

II. Evidence Submitted by the Parties

In accordance with the *Preliminary Hearing Report and Scheduling Order* issued on July 12, 2019, the Parties were required to submit exhibits on or before July 15, 2019. The Parties submitted the exhibits and called witnesses as set forth below:

A. Claimants

Claimants submitted exhibits labeled C1-C9 and submitted two additional exhibits during the hearing that were an email exchange between Kelly McKee and Dr. Jeff Porter dated June 25-26, 2019 and the *United States Olympic Committee Athlete and Staff (Team Leader, Coach, and Additional Officials) Selection Procedures Instruction Manual*. During the preliminary hearing, the Parties agreed to submit all direct testimony by and through affidavit or declaration and the Arbitrator required that any such affidavit or declaration be submitted under oath. Accordingly, Claimants offered declarations executed by Olayinka, Awotunde, Kelly McKee, Tynita Townsend, Annie Kunz, Josef Tessema, and Marisa Howard. In addition to the documents and evidence submitted prior to the hearing, Claimants were permitted to call witnesses for the purposes of cross-examination and called the following witnesses at the final hearing who were sworn in and provided testimony under oath: Dr. Jeff Porter, Moushaumi Robinson, and Aretha Thurmond.

B. USATF

USATF submitted exhibits labeled R1-R16. During the preliminary hearing, the Parties agreed to submit all direct testimony by and through affidavit or declaration and the Arbitrator required that any such affidavit or declaration be submitted under oath. Accordingly, USATF offered declarations executed by Aretha Thurmond, Dr. Jeff Porter, Moushaumi Robinson, Amy Begley, Wallace Spearmon, Logan Boss, Aaron Braun, Nick Christie, Sharika Nelvis, Zack Bazile, Mel Lawrence, Cassandra Tate, TJ Holmes, Paul Dedewo, DeAnna Price, Chris Benard, Lynna Irby, Imani Oliver, and Shania Collins. In addition to the documents and evidence submitted prior to the hearing, USATF was permitted to call witnesses for the purposes of cross-examination and called the following witnesses at the final hearing who were sworn in and provided testimony under oath: Annie Kunz, Kelly McKee, Josef Tessema, and Tynita Townsend.

C. Affected Parties

The Affected Athletes submitted exhibits labeled AA1-AA20. During the *Preliminary Hearing*, the Parties agreed to submit all direct testimony by and through affidavit or declaration and the Arbitrator required that any such affidavit or declaration be submitted under oath. Accordingly, the Affected Athletes offered declarations executed by Garrett Heath, Danny Mackey, Jordan Mann, Isaac Updike, Alexander “Alex” Young, Riley Masters, Imani Oliver, Allison Halverson, Bethany Sachtleben, Sam Mattis, and Curtis Jensen. The Affected Athletes called Allison Halverson as a rebuttal witness and participated in cross-examination of the some of the above-referenced witnesses. For those Affected Athletes who were not represented by counsel, they were permitted to testify under oath and to provide declarations and affidavits. The following individuals provided statements that do not meet the technical requirements of an affidavit or declaration, but were nonetheless accepted: Mel Lawrence, Crystal Manning, Amina Smith, and Devon Martin on behalf of Monique Riddick. Additionally, the following witnesses were sworn

in and provided testimony under oath: Scott Simmons, Monique Riddick, Crystal Manning, and Amina Smith. Every individual attending the telephonic hearing was permitted to provide testimony and was individually asked if interested in testifying under oath. The above individuals were the only Affected Athletes (or representatives of Affected Athletes) who confirmed their desire to testify and, thus, were permitted to do so.

D. Additional Information and Evidence

In addition to the above-referenced information and evidence, the United States Olympic and Paralympic Committee (“**USOPC**”) provided the *2019 Pan American Games Athletics Technical Manual* and *2019 Pan American Games Sport Entry by Name Guide*. At the conclusion of the presentation of the evidence, Dean Nakamura, Vice President of Game Operations for the USOPC, joined the telephonic hearing to answer questions relating to registration of athletes at this time.

III. Notice to Affected Athletes

As stated above, on July 13, 2019 at 1:40 p.m. CT, AAA provided written notice via email to the Affected Athletes. A list of the Affected Athletes is attached hereto as *Exhibit A*. A copy of the *Notice of American Arbitration Association Arbitration Hearing that Could Impact Pan Am Games Team Roster* is set forth verbatim as follows:

You are being notified **as a potentially affected athlete** whose status on the 2019 Pan American Games team could be Affected. Six athletes have filed a complaint pursuant to the USOPC Bylaws regarding the selection of the 2019 Pan American Games team, alleging that the team should have been selected based on 2019 times/results only, rather than 2018 and 2019 times/results. USA Track & Field is taking the position that the selections should be based on 2018 and 2019 times/results, not 2019 only.

A hearing in this matter has been set for Wednesday, July 17 beginning at noon Eastern, 11 am Central, 10 am Mountain and 9 am Pacific. If you wish to participate in this hearing, you must notify the American Arbitration Association by emailing Jen Mora at JenMora@adr.org no later than Monday, July 15 at 6 pm MT. Direct testimony at the hearing will be handled by written declaration. Therefore, if you wish to make a statement, **please submit a statement signed under oath by no later than Monday, July 15 at 6 pm MT to JenMora@adr.org.** It is up to the arbitrator whether to accept late submissions.

If you are receiving this notice and you are currently on the 2019 Pan American Games roster, then the arbitrator’s decision in this case has the potential to adversely affect you, meaning you could lose your spot on the team if the claimants are successful. If you are receiving this notice and are not currently on the 2019 Pan American Games roster, than you may be benefitted by the arbitrator’s decision in this case if the claimants are successful.

You have the right to appear and participate as a party in the arbitration, and to be represented by counsel or another individual of your choice, if you so desire. You are not

required to appear. However, having now been given notice of the arbitration and hearing, and your right to appear and participate as a party, **you shall be bound by the results of the arbitration regardless of your decision to appear.**

The order of qualification using the 2019 times/results only can be found at this website: <http://www.usatf.org/statistics/topMarks/index.aspx>.

You can contact the USOPC Athlete Ombudsman for more information at ombudsman@usathlete.org.

More information about the Section 9 and arbitration process can be found in Section 9 of the [USOPC bylaws](#).

In addition to the *Notice of American Arbitration Association Arbitration Hearing that Could Impact Pan Am Games Team Roster*, the Affected Athletes were provided with the *Preliminary Hearing Report and Scheduling Order*, *Commercial Arbitration Rules Demand for Arbitration*, *Section 9 of USOPC Bylaws Complaint Form* (filed by Olayinka Awotunde, Marisa Howard, Annie Kunz, Josef Tessima, and Tynita Townsend), *Section 9 of USOPC Bylaws Complaint Form* (filed by Kelly McKee), *First Amended Section 9 of USOPC Bylaws Complaint Form* (filed by Kelly McKee), and *Notice of Hearing*. On July 16, 2019 at 5:46 p.m. CT, via email, AAA provided the Affected Athletes updated call-in information for the hearing changing only the call-in password.

IV. Jurisdiction

An arbitrator has jurisdiction over disputes if the dispute is protected under the Act, 36 U.S.C. § 220501, *et seq.*, and the controversy involves the opportunity to participate in national and international competition representing the United States. Section § 220522(a)(4) of Act states:

An amateur sports organization is eligible to be recognized, or to continue to be recognized, as a national governing body only if it...agrees to submit to binding arbitration in any controversy involving . . .the opportunity of any amateur athlete...to participate in amateur athletic competition, upon demand of...any aggrieved amateur athlete..., conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws...

Additionally, Section § 220522(a)(8) of Act states that a national governing body (“**NGB**”) must:

[P]rovide[] an equal opportunity to amateur athletes, coaches, trainers, managers, administrators, and officials to participate in amateur athletic competition, without discrimination on the basis of race, color, religion, sex, age, or national origin, and with fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate...

Section 9.1 of the USOPC Bylaws provides as follows:

No member of the corporation may deny or threaten to deny any amateur athlete the opportunity to participate in the Olympic Games, the Pan American Games, the Paralympic Games, a World Championship competition, or other such protected competition as defined in Section 1.3 of these Bylaws nor may any member, subsequent to such competition, censure, or otherwise penalize, (i) any such athlete who participates in such competition, or (ii) any organization that the athlete represents. The corporation shall, by all reasonable means, protect the opportunity of an amateur athlete to participate if selected (or to attempt to qualify for selection to participate) as an athlete representing the United States in any of the aforesaid competitions. In determining reasonable means to protect an athlete's opportunity to participate, the corporation shall consider its responsibilities to the individual athlete(s) involved or affected, to its mission, and to its membership.

Under USOPC Bylaws Section 1.3(w), "protected competition" means:

1) Any amateur athletic competition between any athlete or athletes officially designated by the appropriate NGB or PSO as representing the United States, either individually or as part of a team, and any athlete or athletes representing any foreign country where (i) the terms of such competition require that the entrants be teams or individuals representing their respective nations and (ii) the athlete or group of athletes representing the United States are organized and sponsored by the appropriate NGB or PSO in accordance with a defined selection or tryout procedure that is open to all and publicly announced in advance, except for domestic amateur athletic competition, which by its terms, requires that entrants be expressly restricted to members of a specific class or amateur athletes such as those referred to in Section 220526(a) of the Act; and 2) any domestic amateur athletic competition or event organized and conducted by an NGB or PSO in its selection procedure and publicly announced in advance as a competition or event directly qualifying each successful competitor as an athlete representing the United States in a protected competition as defined in 1) above.

USOPC Bylaws Section 9.7 provides that, "[i]f the complaint [under Section 9.1] is not settled to the athlete's satisfaction the athlete may file a claim with the AAA against the respondent for final and binding arbitration."

V. Background

Pursuant to the Act, the USOPC has "exclusive jurisdiction, directly or through constituent members [e.g., NGBs] ... over all matter pertaining to United States participation in Olympic Games, the Paralympic Games, and the Pan-American Games, including representation of the United States in the games." 36 U.S.C. § 220503(3)(A). The USOPC has both the authority and responsibility "to obtain for the United States, directly or by delegation to the appropriate national governing body, the most competent amateur representation possible in each event of the Olympic Games, the Paralympic Games, and the Pan-American Games." 36 U.S.C. § 220503(4). In accordance with Section 19.3(i) of the USOPC Bylaws, the USOPC is authorized "to approve or disapprove selection procedures recommended by NGBs...."

USATF is the NGB for the sport of track and field in the United States and is recognized as such by the USOPC and the International Association of Athletics Federation (“**IAAF**”). USATF is authorized as the NGB for the sport of track and field to “establish procedures for the determination of eligibility standards for participation in competition” and to “recommend to the [USOPC] individuals and teams to represent the United States in the ... Pan-American Games....” 36 U.S.C. § 220523(a)(5-6). In accordance with Section 8.7(g) of the USOPC Bylaws, USTAF must “establish a written procedure ... approved by the [USOPC], to fairly select athletes ... for the ... Pan American Games teams, and, upon approval, timely disseminate such procedure to the athletes.”

After discussing possible procedures for qualification for the 2019 Pan-American Games (“**Games**”) with various athletes, the USATF High Performance Committee and USATF Athlete Advisory Council recommended to USATF certain policies and procedures for qualifications for the Games that included accepting competition times from January 1, 2018 through June 10, 2019. Subsequently, USATF drafted the *USA Track & Field Athlete Selection Procedures Pan American Games, Lima 2019 (Track & Field)* dated December 13, 2019² (“**Procedures**”) and the same were executed by Max Siegel, Aretha Thurmond, and Moushaumi Robinson. The Procedures were approved by the USOPC and posted on the USATF web site within five (5) days of approval, which Ms. Thurmond testified she believed to be December 18, 2018. In pertinent part, the Procedures provide as follows:

1. SELECTION SYSTEM

1.1. Provide the minimum eligibility requirements for an athlete to be considered for selection to the Team:

1.1.1 Nationality/Passport requirements:

Athlete must be a national of the United States and eligible to represent the U.S. at all levels of international competition at the time of selection.

Athlete must hold a valid U.S. passport that will not expire for six months after the conclusion of the Games.

1.1.2 Minimum International Olympic Committee (IOC), International Paralympic Committee (IPC) and/or Pan American Sports Organization (PASO) (PAG and PPAG only) standards for participation:

Any competitor in the Olympic, Paralympic, Pan American or Parapan American Games must be a citizen of the country of the National Olympic Committee (NOC) or National Paralympic Committee (NPC) which is entering such competitor. For additional information regarding an athlete who is a national of two or more

² The Parties agreed that December 13, 2019 is a typographical error. The correct date for the Procedures is December 13, 2018.

countries, has changed his or her nationality or acquired a new nationality, refer to the Olympic Charter (Rule 41), the IPC Handbook (Section 2, Chapter 3.1), or the PASO Statutes (Article XXII, Sections 4 and 5).

- 1.1.3 Minimum International Federation (IF) and/or Continental Federation (CF) (PAG and PPAG only standards for participation (if any):

Individual Event Standards

Each National Olympic Committee (NOC) will be able to enter a maximum of two (2) athletes in each individual event provided that they have met the 2019 Pan American Games Minimum Qualifying Mark (see Attachment A) between January 1, 2018 and midnight (Peru time) of June 23, 2019.

All standards must be achieved on IAAF approved tracks or courses in accordance with IAAF rules.

- 1.1.4 Other requirements (if any):

- Athletes must be USA Track & Field (USATF) members in good standing at the time of the selection through the end of the 2019 Pan American Games.
- Nominated athletes are required to sign a USATF Statement of Conditions for participation. USATF reserves the right to amend the Statement of Conditions subject to USOC approval. (See Attachment B).
- Athletes must have successfully completed all Games Registration required by stated deadline.

- 1.2 Tryout Events:

- 1.2.1 Provide the event names, dates and locations of all trials, events and camps to be used as part of the selection process.

Individual Events

Individual event athletes will be selected using the 2019 U.S. Performance Rank Order List (Comprehensive) non-wind aided results as of Monday June 10, 2019 (midnight Eastern Standard Time (EST)).

The 2019 U.S. Performance Rank Order List (Comprehensive) can be found at <http://www.usatf.org/statistics/topMarks/index.aspx>.

- 1.2.2 Provide event names, dates, locations and description of how athletes qualify for the trials, events and camps listed above in 1.2.1. (if any).

Individual Events

The U.S. lists include marks that have been achieved under conditions that meet established criteria for a legal meet. This criteria will be used for verification of U.S. Championships marks, and a version of it can be found at <http://www.usatf.org/Events—Calendar/2017/USATF-Outdoor-Championships/Qualifying-Standards/Meet-Criteria.aspx>.

- 1.3 Provide a comprehensive, step-by-step description of the method that explains how athletes will go through the selection process (include maximum Team size).

Individual Events

Due to the entry deadline (June 22, 2019), as well as USATF's Senior Championships being held July 25-28, 2019, USATF will not have the opportunity to allow athletes to earn Pan American Games quota slots in head to head competition.

Therefore, with the exception of Marathon, 50K Race Walk and the Relays (see below), in individual events the two highest ranked athletes from the 2019 U.S. Performance Rank Order List (Comprehensive) non-wind aided results (<http://www.usatf.org/statistics/topMarks/index.aspx>) as of Monday June 10, 2019 (midnight Eastern Standard Time (EST)) will be selected to the 2019 Pan American Team provided they have achieved the Pan American Games Minimum Qualifying Mark and meet the requirements in Section 1.

The qualifying window for the Minimum Qualifying Mark is January 1, 2018-June 23, 2019.

Notification Process:

The two highest ranked athletes from the 2019 U.S. Performance Rank Order List (Comprehensive) non-wind aided results for each individual event will be invited to compete at the Pan American Games by email starting on June 11, 2019. Each athlete will have three (3) business days to accept or decline their invitation[.] Should either of the two highest ranked

athletes decline the invitation or not respond to the invitation within three (3) business days, then an invitation will be sent to the next highest ranked one or two athletes (as applicable) until the invitations are accepted.

In mid-June 2019, several USTAF members and athletes were informed that they were selected to represent the United States and compete in the Games, which in some circumstances was retracted by the USATF. Subsequently, a dispute arose regarding the selection of the team representing the United States to compete in the Games and, specifically, the criteria for selecting the top two (2) competitors in each track and field event. USATF articulated that the team representing the United States in competition at the Games was selected based on results achieved from January 1, 2018-June 10, 2019. Whereas, the Claimants argued that selection of the team representing the United States in competition at the Games should be calculated using only times achieved from January 1, 2019-June 10, 2019. Claimants articulated the following:

As of June 10, 2019, Olayinka Awtunde was tied for the seventh ranked men's shot putter on the 2019 U.S. Comprehensive List. Upon information and belief, all men's shot putters ranked ahead of Mr. Awtunde, except for Jordan Geist, the fourth ranked shot putter, declined invitations from USATF to compete at the Pan American Games. USATF invited Mr. Geist, and Curtis Jensen, who was tied for the sixteenth rank on the list to compete, passing over Mr. Awtunde.

As of June 10, 2019, Marisa Howard was the second ranked women's 3,000 meter steeplechase athlete on the 2019 U.S. Comprehensive List, and should have been among the first two invited to compete on the team. Upon information and belief, Allie Ostrander, the top ranked steeplechase athlete, accepted an invitation from USATF to compete at the Pan American Games. USATF invited Ms. Ostrander, and Mel Lawrence, who was the fifth rank on the list to compete, passing over Ms. Howard.

As of June 10, 2019, Annie Kunz was the fifth ranked heptathlete on the 2019 U.S. Comprehensive List. Upon information and belief, all heptathletes ranked ahead of Ms. Kunz, except for Riley Cooks, the fourth ranked heptathlete, declined invitations from USATF to compete at the Pan American Games. USATF invited Ms. Cooks, and Allison Halverson, who was tied for the twelfth rank on the list to compete, passing over Ms. Kunz.

As of June 10, 2019, Josef Tessema was the ninth ranked men's 5,000 meter runner on the 2019 U.S. Comprehensive List. Upon information and belief, all men's 5,000 meter runners ranked ahead of Mr. Tessema declined invitations from USATF to compete at the Pan American Games. USATF invited Riley Masters, who was ranked thirty-second, and Shadrack Kipchirchir, who had no mark to compete, passing over Mr. Tessema.

As of June 10, 2019, Tynita Townsend was tied for the sixth ranked women's high jumper on the 2019 U.S. Comprehensive List. Upon information and belief, all women's high jumpers ranked ahead of Ms. Townsend declined invitations from USATF to compete at the Pan American Games. USATF invited Inika McPherson, who was tied for the twelfth rank and Logan Boss, who was tied for the twenty-fifth rank on the list to compete, passing over Ms. Townsend.

As of June 12, 2019, Kelly McKee was the fifth ranked women's triple jumper on the 2019 U.S. Comprehensive List. Upon information and belief, all women's triple jumpers ranked ahead of Ms. McKee on the 2019 U.S. Comprehensive Lists, except for fourth ranked Bria Mathews, declined invitations from USATF for women's triple jump positions on the 2019 Pan Am Games team.... On June 18, 2019, USATF emailed Ms. McKee notifying her that she was selected to 'the 2019 Pan Am Games team in the women's triple jump, as a result of your performance within the qualification window outlined in the selection procedures.' The email requested that Ms. McKee respond 'ASAP confirming whether you will ACCEPT or DECLINE. Your failure to respond will result in your forfeiture of your position.' Approximately an hour later on June 18, 2019, Ms. McKee sent a response email to USATF indicating she accepted the position of a women's triple jumper on the 2019 Pan Am Games team. On June 20, 2019, USATF emailed Ms. McKee welcoming her to the 2019 Pan Am Games team and providing information regarding her selection to the team and paperwork she needed to complete. Ms. McKee completed and submitted the requested paperwork on June 24, 2019. On June 24, 2019, USATF issued a press release announcing the 2019 Pan Am Games team roster. This press release announced Ms. McKee as one of the two women's triple jumpers for the 2019 Pan Am Games team. Athlete Bria Mathews, ranked fourth on USATF's 2019 U.S. Comprehensive List as of June 12, 2019, was named as the other women's triple jumper. In the late afternoon of June 25, 2019, Aretha Thurmond, USATF managing director of international and championship teams, emailed and requested that Ms. McKee call her. The two spoke that afternoon by phone, during which Ms. Thurmond told Ms. McKee that USATF had made a mistake in the selection process and that Ms. McKee was being removed as an actual 2019 Pan Am Games team member and changed to an alternate for the team. Ms. Thurmond further informed Ms. McKee that athlete Imani Oliver was being given Ms. McKee's spot on the team as a women's triple jumper. USATF indicated that they removed Ms. McKee from the team and replaced her with Imani Oliver because Ms. Oliver has a higher ranking using both the 2018 and 2019 U.S. Performance Rank Order Lists as opposed to using only the 2019 U.S. Performance Rank Order List. As of June 12, 2019, Imani Oliver was ranked fourteenth on USATF's 2019 U.S. Comprehensive List for the women's triple jump.

VI. Discussion and Analysis

The undersigned has considered all the facts, allegations, arguments, testimony, and evidence submitted by the Parties in the present proceeding. In drafting and explaining the *Arbitration Award*, the arbitrator refers in this *Final Arbitration Award* only to the submissions and evidence considered necessary to explain the reasoning in this decision. After considering all evidence submitted, based on the preponderance of the evidence, the undersigned makes the following findings:

A. Standard of Review and Burden of Proof

The applicable standard of review in Section 9 cases is *de novo*. *Crowell v. US Equestrian Federation*, AAA Case No. 77 190 E 00193 09 JENF (May 3, 2009); *Nadmichettu v. US Table Tennis Ass'n*, AAA Case No. 77 190 169 10 JENF (Apr. 23, 2010); *Craig v. USA Taekwondo*, AAA Case No. 77 190E 00144 11 JENF (Aug. 21, 2011). "In exercising *de novo* review in a team selection dispute, the arbitrator ensures that: 1) the athlete is given adequate procedural due process

by providing a full and fair opportunity to be heard regarding his claims; and 2) the merits of an NGB's challenged decision comply with the foregoing requirements of law of private associations by analyzing whether the athlete selection procedures are valid; were followed and applied consistently; its discretionary decision was rational/reasonable (i.e., not arbitrary or capricious) and in good faith (i.e., without any bad faith or bias); and complies with applicable federal and state laws." *Liu v. USA Table Tennis, Inc.*, AAA Case No. 01-19-0002-0105 (June 20, 2019). Section 9 proceedings are not appeals of NGB decisions and there is no requirement for an arbitrator in these proceedings to give deference to any prior decision. In Section 9 proceedings based on a selection decision, it is well established that a claimant has the burden of proving his or her claim by a preponderance of the evidence. *Craig v. USA Taekwondo*, AAA Case No. 77 190E 00144 11 JENF (Aug. 21, 2011).

In *Quigley v. Union International de Tir*, the panel, in pertinent part, stated as follows:

Regulations that affect the careers of dedicated athletes should be predictable...and not the product of an obscure process of accretion. Athletes and officials should not be confronted by a thicket of mutually qualifying or even contradictory rules that can be understood only on the basis of the de facto practice over the course of many years of a small group of insiders.

Quigley v. Union International de Tir, CAS 94/129 (Apr. 20, 1995). The arbitrator must determine whether USATF breached the approved and published Procedures, applied the Procedures inconsistently to athletes similarly situated, acted in bad faith towards or with bias against the athlete, and/or violated applicable federal or state laws. *Craig v. USA Taekwondo, Inc.*, AAA Case No. 77 190E 00144 11 JENF at 5 (Aug. 21, 2011); *Hyatt v. USA Judo*, AAA 01 14 0000 7635 at 10 (June 27, 2014); *Tibbs v. United States Paralympics*, AAA 71-190-E-00406 12 JENF at 14 (Aug. 28, 2012). Other arbitrations filed under the Act have determined this review to mean that a decision by USATF must have no rational basis, i.e. is unreasonable, arbitrary or capricious, will not meet the Act's requirements. *Rivera v. USA Cycling, Inc.*, AAA Case No. 01 16 0002 6302 at 3 (July 26, 2016). The Arbitrator's role is not to determine whether USATF chose the best process for selecting teams, or to substitute lay judgment for the expert professional judgement of USATF in establishing the Procedures. *Id.* at 3-4. Rather, it is a *de novo* review, with no deference, of the application of the Procedures to the facts of the individual case. *Komanski v. USA Cycling*, AAA Case No. 01-15-0004-9907 at 5 (Nov. 15, 2015).

B. Whether USATF breached the approved and published Procedures.

It is undisputed that the USATF High Performance Committee and USATF Athletes Advisory Council discussed possible options for qualifications for the Games with various athletes well in advance of the adoption of the Procedures. In light of the scheduling of the Games and the IAAF World Athletics Championship being later in the year than normal, USATF was unable to schedule a trial event that would allow the team representing the United States in competition at the Games to be determined by head-to-head competition. Accordingly, USATF, after consultation with and being advised by the USATF High Performance Committee and USATF Athletes Advisory Council, decided that the team representing the United States in competition at the Games would be created by selecting the top two (2) participants with the best times or results in their events from January 1, 2018 to June 10, 2019. Dr. Jeff Porter, Moushaumi Robinson, and Aretha

Thurmond all independently testified that such criteria was openly discussed and agreed upon by the USATF High Performance Committee and USATF Athletes Advisory Council and, ultimately, recommended to the USATF for adoption. Dr. Porter also testified that the USATF High Performance Committee uses Slack³ to disseminate information to athletes. In October 2018, Dr. Porter stated correspondence was sent to the athletes using Slack informing them that the team representing the United States in competition at the Games would be created by selecting the top two (2) participants with the best times or results in their events from January 1, 2018 to June 10, 2019.⁴ Ms. Thurmond testified she had additional conversations with many athletes about the selection criteria and presented a PowerPoint presentation to 150-200 athletes at the USATF Annual Meeting held in Columbus, Ohio in December 2018 in which she informed the athletes that performance times and results from both 2018 and 2019 would be used to determine the team representing the United States in competition at the Games. Similarly, in declaration testimony and testimony at the hearing, the Affected Athletes, other than Anima Smith, uniformly testified that they were well aware that the performance times and results from 2018 and 2019 would be used to determine the team representing the United States in competition at the Games.

Conversely, Claimants indicated they do not use or just recently were added to Slack correspondence, did not attend the USATF Annual Meeting, and were never made aware that the performance times and results from 2018 and 2019 would be used to determine the team representing the United States in competition at the Games. Claimants argued they relied to their detriment on the language in the Procedures, which they argue only results obtained in 2019 should be used to determine the team representing the United States in competition at the Games.

Claimants relied heavily on the decision rendered in *Keter v. USA Track & Field*, which included an opinion that was executed only fifteen (15) days prior to this hearing and addresses the Procedures. *Keter v. USA Track & Field*, AAA Case No. 01-19-0002-0105 (July 2, 2019). In *Keter v. USA Track & Field*, three (3) athletes competing in the 3,000 meter steeplechase, 5,000 meters, and 10,000 meters events argued that the times and results obtained in 2019, and only 2019, should be used to determine the team representing the United States in competition at the Games. The athletes argued the Procedures specifically make reference to the “2019 U.S. Performance Rank Order List (Comprehensive).” The arbitrator found the “[t]erm ‘Comprehensive’ as used in the 2019 Pan American Games Athlete Selection Procedures means indoor and outdoor competition results in the same calendar year (e.g., 2019), not results in consecutive years (e.g., 2018 and 2019)” and, thus, ordered these individuals to be appointed to the team representing the United States in competition at the Games. *Id. at 9 & 16*. However, the arbitrator limited his award and stated the arbitration award “is narrow because different material facts or issues may justify a different conclusion regarding whether or not USATF track and field athletes who compete in events other than the men’s 3,000m steeplechase, 5,000m, or 10,000m track events are entitled to the same relief as Claimants in a future Section 9 arbitration proceeding.” *Id. at 5*.

³ Slack is an “app” used as a method of communication and sharing that can be used by companies and individuals desiring to share information, which can be used similar to email or text messages. See <https://slack.com/features>.

⁴ Dr. Porter was unable to provide a number or percentage of USATF members and athletes who subscribe to Slack and, thus, was unable to determine how many athletes received the notification through Slack. USATF further represented that the version of Slack that is used does not allow for downloading correspondence that occurred so long ago.

USATF and the Affected Athletes urge the Arbitrator to not follow or distinguish the analysis and decision as set forth in *Keter v. USA Track & Field* for several reasons, which primarily are: the arbitration was a rushed proceeding where there was no briefing, there was little time to locate evidence and witnesses, and the arbitrator had less than fifteen (15) minutes to render a decision. Additionally, there is support in case law that indicates an arbitrator need not follow judicial notions of preclusion such as *res judicata* and collateral estoppel. *Int'l Union v. Dana Corp.*, 278 F.3d 548, 557 (6th Cir. 2002)(holding “absent a contractual provision to the contrary, the preclusive effect of an earlier arbitration award is to be determined by the arbitrator”); *Lindland v. United States of America Wrestling Association, Inc.*, 227 F.3d 1000, 1003 (7th Cir. 2000)(stating “arbitrators need not follow judicial notions of preclusion”).

Here, the primary language at issue appears in three (3) sections in the Procedures. First, the Arbitrator will review Sections 1.1.3 and 1.3 and the language pertaining to “Minimum Qualifying Marks” and the timeframe referenced in these provisions. The referenced language is set forth, respectively, as follows:

Individual Event Standards

Each National Olympic Committee (NOC) will be able to enter a maximum of two (2) athletes in each individual event provided that they have met the 2019 Pan American Games Minimum Qualifying Mark (see Attachment A) between January 1, 2018 and midnight (Peru time) of June 23, 2019.

The qualifying window for the Minimum Qualifying Mark is January 1, 2018—June 23, 2019.

Ms. Robinson testified the language that appears in Sections 1.1.3 and 1.3 sets forth the selection criteria in that it states that athletes must have met the “Minimum Qualifying Marks” during the “qualifying window” between “January 1, 2018 and midnight (Peru time) of June 23, 2019.” The *2019 Panamericanos Qualification System Manual* (“**Qualification Manual**”) addresses the qualifications requirements for the Games and provides the “Minimum Qualifying Marks” for track and field events including specific times (*i.e.*, the minimum qualifying time for the men’s 100m is 10.20 seconds) and results (*i.e.*, the minimum qualifying distance for the women’s shotput is 17.90 meters).⁵ In pertinent part, the Qualification Manual provides as follows:

The fact that an athlete automatically obtains the minimum mark does not qualify him/her for the Lima 2019 Pan American Games. The athlete would only fulfill the mark that will be used as a base to achieve the quota established per event.

This language also appears in Attachment A to the Procedures. This language makes it clear the reference to the “Minimum Qualifying Marks” is simply the required minimum “base” needed to

⁵ The Qualification Manual was not provided in full during the hearing. After reviewing the “Minimum Qualifying Marks” referenced in Attachment A to the Procedures, the Arbitrator requested a full copy of the Qualification Manual. Counsel for Claimants provided a copy as requested.

participate in an event and an athlete must still “achieve the quota,” which is two (2) athletes representing the United States in competition at the Games. The “Minimum Qualifying Marks” language does not appear to set forth selection criteria. Such language provides the duration of time an athlete may attempt to obtain a qualifying mark. Once an athlete achieves a qualifying mark, he/she must still meet other criteria to be eligible to represent the United States in competition at the Games. As a result, the timeframe of “January 1, 2018 and midnight (Peru time) of June 23, 2019” is set for the athlete to obtain a qualifying mark, not the date by which their results will be determined for ranking.

Next, the Arbitrator must review the language that appears in Sections 1.2.1 and 1.3 of the Procedures. The referenced language is set forth, respectively, as follows:

Individual event athletes will be selected using the 2019 U.S. Performance Rank Order List (Comprehensive) non-wind aided results as of Monday June 10, 2019 (midnight Eastern Standard Time (EST)).

The 2019 U.S. Performance Rank Order List (Comprehensive) can be found at <http://www.usatf.org/statistics/topMarks/index.aspx>.

Therefore, with the exception of Marathon, 50K Race Walk and the Relays (see below), in individual events the two highest ranked athletes from the 2019 U.S. Performance Rank Order List (Comprehensive) non-wind aided results (<http://www.usatf.org/statistics/topMarks/index.aspx>) as of Monday June 10, 2019 (midnight Eastern Standard Time (EST)) will be selected to the 2019 Pan American Team provided they have achieved the Pan American Games Minimum Qualifying Mark and meet the requirements in Section 1.

Claimants urge the Arbitrator to follow the findings as set forth in *Keter v. USA Track & Field*, where the arbitrator concluded the “[t]erm ‘Comprehensive’ as used in the 2019 Pan American Games Athlete Selection Procedures means indoor and outdoor competition results in the same calendar year (e.g., 2019), not results in consecutive years (e.g., 2018 and 2019).” The Arbitrator, however, must review the above-referenced language more deeply. The evidence confirmed that there is no document or link on the USATF web site titled the 2019 U.S. Performance Rank Order List (Comprehensive) nor does the link at <http://www.usatf.org/statistics/topMarks/index.aspx> (“**Link**”) direct a user to a document or web page with such title. When visiting the Link, the web page provides links for results from track and field events from 2000-2019. None of the listings make reference to 2019 U.S. Performance Rank Order List (Comprehensive). Under the heading “2019 Top Marks List,” two links appear and are titled “Indoor Track & Field” and “Comprehensive Track & Field.” At the relevant time of this dispute, the link accompanying the title “Comprehensive Track & Field” opens a PDF titled “2019 U.S Comprehensive Lists (as of 06/28/19).”

Ms. Robinson agreed the Link does not direct a user to a document or link titled “2019 U.S. Performance Rank Order List (Comprehensive)” and she is unaware of whether such a document

or link exists. When asked whether this oversight constitutes a mistake, Ms. Robinson testified the mistake was the result of “human error.” Ms. Robinson was adamant that the USATF High Performance Committee and USATF Athletes Advisory Council worked diligently to accommodate the interests of the athletes and worked to provide selection criteria to give the United States the best opportunity for success. Without question, the individuals volunteering for these committees worked industriously to benefit track and field athletes and USATF.

The language used in Sections 1.2.1 and 1.3 of the Procedures, however, does not make reference to the “2018 U.S Comprehensive Lists (as of 01/18/19),” which appears when a user clicks on a link under the designation “2018 Top Marks List” and again next to “Comprehensive Track & Field.” An individual reviewing the Procedures would be hard pressed to interpret the Procedures as including results from both 2018 and 2019. It appears the intent of USATF was to include results from 2018 and 2019 and there were attempts to educate athletes of the same for the purposes of selection for the Games prior to posting the Procedures; however, the language of the Procedures does not support the intent of USATF. There was nothing posted on the USATF web site or any other official reference made after the issuance of the Procedures to inform all eligible athletes of any modification to the Procedures. The evidence confirmed the Procedures remain posted on the USATF web site without modification and no request was made to the USOPC to approve a modified set of procedures for qualification for the Games. Both Sections 1.2.1 and 1.3 of the Procedures set the deadline for results to qualify for selection as “June 10, 2019 (midnight Eastern Standard Time (EST))” based on the 2019 “rank[ing] order.” Accordingly, the Arbitrator finds the Procedures make specific reference to “rank[ing] order” for athletes in 2019 and, thus, selection for the team representing the United States in the Games should be confined to competition results occurring from January 1, 2019 to June 10, 2019.

Based on the findings herein, the selection of the team representing the United States in the Games using results from 2018 and 2019 constitutes a breach of the approved and published Procedures. The language of the Procedures did not provide for use of 2018 results and, thus, athletes relied on the language that indicates results will be obtained by using “non-wind aided results” from the “2019 U.S Performance Rank Order List (Comprehensive)” achieved as of “Monday June 10, 2019 (midnight Eastern Standard Time (EST)).” If, however, the USATF would have included 2018 results as a part of the selection criteria such inclusion would have been reasonable and rational and would not constitute bad faith acts or inconsistency. Further, this opinion and decision does not supplement the Arbitrator’s lay judgment for the expert professional judgment of the USATF. The Arbitrator concludes that the Procedures were not followed as written and the team representing the United States in the Games was not selected using the language expressly set forth in the Procedures, which resulted in a breach of the approved and published Procedures.

As a result of this conclusion, the Arbitrator finds and orders as follows: 1) USATF shall select the top two (2) athletes in each individual track and field event to represent the United States for competition in the Games using the “rank[ing] order” for results achieved from January 1, 2019 to June 10, 2019. If an athlete does not accept his/her selection, then USATF shall select the next athlete in “rank[ing] order” using the criteria expressed above; 2) if any one or more of the Claimants is to be selected using the criteria set forth in Point 1 for their respective track and field events and meets all of the requirements of Section 1.1 of the Procedures, then he/she shall be selected to represent the United States for competition in the Games; 3) any athlete selected to

represent the United States for competition in the Games shall meet the “Minimum Qualifying Standards” as set forth in the Qualification Standards and Attachment A to the Procedures; 4) the USOPC shall make all reasonable efforts to have the athletes selected to represent the United States for competition in the Games in accordance with this *Final Arbitration Award* determined to be eligible to compete in the Games and communicate with the Association of Panamerican Athletics (“**APA**”) in an effort to permit these athletes to compete; and 5) in the event the APA does not allow the athletes selected in accordance with this *Final Arbitration Award* to compete in the Games and/or the United States will lose one (1) or more opportunities to compete in a specific track and field event as a result of this *Final Arbitration Award*, the athlete(s) currently selected in the specific track and field event(s) affected is permitted to compete in the Games representing the United States.⁶

C. *Whether USATF should be ordered to pay Claimants’ and the Affected Athletes’ costs of arbitration and reasonable attorneys’ fees.*

The Claimants and Affected Athletes requested that the Arbitrator order USATF to pay the costs of arbitration and reasonable attorneys’ fees and argued that USATF failed to clearly articulate the Procedures to the detriment of the athletes. In support, Claimants and Affected Athletes cite to *McCandless v. USA Track & Field* and *Pohl v. USA Badminton*. In *McCandless v. USA Track & Field*, the arbitrator awarded costs and fees to the claimant even though his claim was unsuccessful. *McCandless v. USA Track & Field*, AAA Case No. 01-15-0004-2085 (Feb. 29, 2016). The primary basis for the arbitrator’s ruling is set forth as follows:

This was not a mistake in the sense of reasonably applying selection procedures where there might be a difference of opinion; the USATF mistake was **grossly negligent** in naming Mr. McCandless instead of Mr. Leon and neither Mr. McCandless nor Mr. Leon did anything other than what they were supposed to do in the circumstances. Accordingly, I am awarding a contribution toward the attorney’s fees and costs of Mr. McCandless toward the \$12,126.50 being sought by Mr. McCandless on the basis that Mr. McCandless was not the prevailing party, thought he was the victim of USATF’s mistake.

Id. at 11 (emphasis added). In *Pohl v. USA Badminton*, the arbitrator again awarded attorney’s fees and costs to the claimant even though claimant was unsuccessful. *Pohl v. USA Badminton*, AAA Case. No. 30-190-00604-03 (Aug. 7, 2003). The arbitrator stated as follows:

In light of the fact that these proceedings were the direct result of USAB’s **failures throughout the course of these trials**, it shall bear all costs of these proceedings, including Pohl’s filing and attorney’s fees, as well as all costs and fees of the American Arbitration Association and the compensation of the arbitrator.

⁶ The USOPC raised concerns that the APA will not permit athletes to be substituted so close in time to the Games and, further, that the United States could lose competition opportunities including giving spots reserved for the United States to other countries. Mr. Nakamura indicated he has been in close communication with the APA regarding this subject and does not have a definitive answer at this time. He indicated he would go back to the APA and argue in favor of adding athletes, if necessary, but there are no certainties. Additionally, it was indicated that Kelly McKee does not appear on the “long list” submitted by the USOPC to APA for competition in the Games. Mr. Nakamura indicated he was not certain whether Ms. McKee could be added at this time, but indicated he would make reasonable efforts to have her added, if necessary.

Id. at 3 (emphasis added).

Here, the Arbitrator finds that the Parties shall bear their own attorneys' fees and costs associated with this arbitration. Although the Claimants were successful in meeting their burden to establish that USATF breached the approved and published Procedures, there was no evidence in the record to show that USATF acted "grossly negligent" or had "failures" that should result in shifting the costs and fees from Claimants and the Affected Athletes to USATF. This matter resulted from a reasonable disagreement as to the selection procedures for selection for the Games. Accordingly, the Arbitrator denies Claimants' and the Affected Athletes' request that USATF pay the attorneys' fees and costs associated with this arbitration. Additionally, it is worth noting that neither the Claimants nor the Affected Athletes presented evidence of their attorneys' fees.

VII. Decision

Based on the foregoing findings and analysis, the undersigned decides and awards as follows:

- Claimants' claims for relief are addressed and ordered as follows:
 - 1) USATF shall select the top two (2) athletes in each individual track and field event to represent the United States for competition in the Games using the "rank[ing] order" for results achieved from January 1, 2019 to June 10, 2019. If an athlete does not accept his/her selection, then USATF shall select the next athlete in "rank[ing] order" using the criteria expressed above;
 - 2) if any one or more of the Claimants is to be selected using the criteria set forth in Point 1 for their respective track and field events and meets all of the requirements of Section 1.1 of the Procedures, then he/she shall be selected to represent the United States for competition in the Games;
 - 3) any athlete selected to represent the United States for competition in the Games shall meet the "Minimum Qualifying Standards" as set forth in the Qualification Standards and Attachment A to the Procedures;
 - 4) the USOPC shall make all reasonable efforts to have the athletes selected to represent the United States for competition in the Games in accordance with this *Final Arbitration Award* determined to be eligible to compete in the Games and communicate with the APA in an effort to permit these athletes to compete; and
 - 5) in the event the APA does not allow the athletes selected in accordance with this *Final Arbitration Award* to compete in the Games and/or the United States will lose one (1) or more opportunities to compete in a specific track and field event as a result of this *Final Arbitration Award*, the athlete(s) currently selected in the specific track and field event(s) affected is permitted to compete in the Games representing the United States.

- Claimants' and the Affected Athletes' request for an order requiring USATF to pay for their costs of arbitration and reasonable attorneys' fees is denied;
- The Parties shall bear their own attorneys' fees and costs associated with this arbitration.
- The administrative fees for AAA are to be borne as incurred.
- This award is in full settlement of all claims submitted in this arbitration. All claims not expressly granted herein are hereby denied.



Christian Dennie, FCI Arb
Arbitrator

Date: July 19, 2019

EXHIBIT A

FIRST NAME	LAST NAME
Olivia	Baker
Zack	Bazile
Chris	Benard
Logan	Boss
Aaron	Braun
Quanesha	Burks
Cameron	Burrell
Nick	Christie
Shania	Collins
Hiawatha	Culver
Paul	Dedewo
Jarret	Eaton
Kaela	Edwards
Allison	Halverson
Garrett	Heath
TJ	Holmes
Andrew	Hudson
Lynna	Irby
Curtis	Jensen
Devin	King
Shadrack	Kipchirchir
Marie	Lawrence
Jordan	Mann
Riley	Masters
Sam	Mattis
Bryan	McBride
Inika	McPherson
Sharika	Nelvis
Courtney	Okolo
Imani	Oliver
Deanna	Price
Monique	Riddick
Samantha	Roecker
Bethany	Sachtleben
Kenny	Selmon
Cassandra	Tate
Isaac	Updike
Capers	Williamson
Alex	Young
Benard	Keter
Lawi	Lalang
Travis	Mahoney

FIRST NAME	LAST NAME
Cravon	Gillespie
Kenny	Bednarek
Travis	Mahoney
Josef	Tessema
Tyler	Day
Dashaun	Jackson
Norman	Grimes
Amere	Lattin
Shelby	McEwen
JuVaughn	Harrison (Blake)
Clayton	Fritsch
Chris	Carter
Olayinka "Josh"	Awotunde
Brian	Williams
Rudy	Winkler
Curtis	Thompson
Teahna	Daniels
Cambrea	Sturgis
Kaelin	Roberts
Kethlin	Campbell
Sage	Hurta
Nikki	Hiltz
Marisa	Howard
Anna	Cockrell
Morgan	Smalls
Andrea	Stapleton-Johnson
Tori	Bowie
Kelly	McKee
Dani	Hill
Brooke	Andersen
Annie	Kunz
Tyler	Jermann
Kelsey	Bruce
Kate	Landau

FIRST NAME	LAST NAME
Aleia	Hobbs
Aliyah	Whisby
Amina	Smith
Athing	Mu
Ben	Sathre
Brittley	Humphrey
Brittney	Reese
Christina	Epps
Connor	McMillan
Conor	McCullough
Crystal	Manning
Daniel	Haugh
David	Kendziera
Demek	Kemp
Devin	Quinn
Eric	Kicinski
Erica	Birk
Frankline	Tonui
Hanna	Green
Jacob	Thomson
Janeah	Stewart
Janee'	Kassanavoid
Jeneva	Stevens
Jeron	Robinson
Jessica	Beard
Justin	Robinson
Katie	Moen
Kayla	White
KeAndre	Bates
Keenon	Laine
Kendall	Gustafson
Kiah	Seymour
Kiara	Parker
Lawi	Lalang
Michelle	Atherley
Nicholas	Howe
Nicole	Greene
Obsa	Ali
Payton	Chadwick
Queen	Harrison
Rachel	Baptista
Riley	Dolezal
Rodney	Brown
Samantha	Noennig
Shakima	Wimbley
Taylor	McLaughlin

Teahana	Daniels
Tripp	Piperi
Trumaine	Jefferson
Tyler	McCandless
TyreIII	Richard
Val	Constein
Grant	Fisher
Trey	Cunningham
John	Warren
Amere	Lattin
KC	Lightfoot
Rayvon	Grey
Rodney	Rowe
Nick	Gray
Brandon	Bray