

UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE

TERESSA KANDIANIS and)	
LESLIE BERNDL,)	
)	
Complainants,)	
)	
v.)	FINAL REPORT &
)	ORDER CLOSING CASE
)	
UNITED STATES EQUESTRIAN)	
FEDERATION,)	
)	
Respondent.)	September 22, 2020

I. BACKGROUND

1. On March 28, 2019, Teresa Kandianis and Leslie Berndl (“Complainants”) filed a Complaint with the United States Olympic & Paralympic Committee (“USOPC”) against the United States Equestrian Federation (“USEF” or “Respondent”) (hereinafter referred collectively as “Parties”) pursuant to Section 220527 of the Ted Stevens Olympic and Amateur Sports Act (the “Act”) and Section 10 of the USOPC Bylaws.

2. A three-person Hearing Panel was appointed to hear the case, consisting of: Brad Snyder, Hearing Panel Chair and USOPC Board member; Christopher Ramsey, CEO of USA Water Polo and member of the National Governing Body Council (NGBC); and Allysa Seely, Paratriathlete and athlete representative on the USOPC Athletes’ Advisory Committee (AAC).

3. USEF filed a Motion to Dismiss on April 26, 2019, and the Hearing Panel held oral argument on the motion telephonically on July 25, 2019. The Hearing Panel denied the motion.

4. USEF provided an Answer to the Complaint, denying all allegations against it on September 6, 2019.

5. On February 10, 2020, the Hearing Panel held a hearing on the Complaint through videoconference.

6. The Hearing Panel determined that USEF did not fulfill its obligations under Section 220522(a)(13) in that it did not provide a “prompt and equitable” grievance process citing USEF’s handling of Complainants’ 2017 internal grievance. However, the Hearing Panel believed this was an atypical occurrence, not a pattern of non-compliance and determined the issue could readily be rectified. On March 26, 2020, the Hearing Panel issued an Order directing USEF to take nine immediate remedial actions pertaining to its grievance process, along with directing USEF to review and revise its grievance procedures to make them clearer and easier to follow.

7. USEF provided a status report to the Hearing Panel on April 23, 2020, outlining the steps it had taken to address the nine immediate remedial requirements. The Hearing Panel determined, as stated in its May 20, 2020, Status Report, that USEF had implemented measures to satisfy the Hearing Panel’s directive concerning the nine remedial requirements.

8. Additionally, the March 26, 2020, Order provided that USEF had until November 2, 2020, to revise its grievance procedures for clarity. The Hearing Panel articulated that it would not make a compliance determination on the revisions to USEF’s grievance procedures, but rather focus on whether the revised procedures were simplified, clearly understandable and consolidated in order to assist athletes to navigate and better understand the complaint process.

9. On August 18, 2020, USEF provided the Hearing Panel with a copy of USEF's revised grievance procedures, which had been approved by USEF's Board and would become effective September 1, 2020.

II. GOVERNING AUTHORITY

10. Section 10.18 of the USOPC Bylaws provides that if a hearing panel finds that an NGB's non-compliance can readily be rectified, then, prior to making a recommendation to the Board, the hearing panel may issue an order directing that the NGB take such action as is appropriate to correct the deficiency. If the NGB then corrects the deficiency, the hearing panel can make a finding of compliance.

III. COMPLIANCE DETERMINATION

11. The Hearing Panel determines that USEF has come into compliance with its NGB obligations as it relates to the issues and evidence presented in this Complaint.

12. In addition to fulfilling the nine immediate remedial requirements, USEF has revised its grievance procedures for clarity.¹ Therefore, no further action is warranted.

13. It is important to note that the Hearing Panel did not conduct an entire compliance review of the revised grievance procedures as that was outside the scope of the directive and the issues presented in this Complaint. Therefore, nothing from this determination precludes any further challenges of USEF's revised grievance procedures

¹ The Hearing Panel wants to acknowledge USEF's prompt efforts and attention to adhering to the directive set forth by the panel. Revising grievance procedures can involve a big undertaking, and USEF took important and significant steps in examining its complaint process for the more effective resolution of disputes.

and the Hearing Panel makes no judgment on any prospective compliance action related to those procedures.

IV. ORDER

14. As the Hearing Panel has determined that USEF has corrected all deficiencies as related to this Section 10 Complaint, this Final Report provides notice to the USOPC Board, the Complainants and the NGB of the decision of compliance and the matter is concluded.

15. Accordingly, the case is now closed.

Dated this 22nd day of September, 2020.



for

Brad Snyder, Chair

Christopher Ramsey, Panel member

Allysa Seely, Panel member