

**U.S. PARALYMPIC NORDIC SKIING  
ATHLETE SELECTION PROCEDURES  
2022 WORLD PARA NORDIC SKIING WORLD CHAMPIONSHIPS  
July 22, 2021**

**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 at the time of nomination.

Athlete must hold a valid U.S. passport that will not expire for six months after the conclusion of the World Para Nordic Skiing (“WPNS”) World Championships.

1.1.2. Minimum International Paralympic Committee (IPC), International Paralympic Committee (IPC) standards for participation:

Any competitor in the WPNS World Championships must be a national of the National Paralympic Committee (NPC) which is entering such competitor. For additional information regarding an athlete who is a national of two or more countries, has changed his or her nationality or acquired a new nationality, refer to the IPC Handbook (Section 2, Chapter 3.1).

1.1.3. Minimum International Federation (IF) standards for participation (if any):

- Meet all eligibility criteria set out in the World Para Nordic Skiing Rules and Regulations.
- Hold a valid WPNS Licence for the 2021/2022 season.
- Have earned WPNS points in at least one race in the 2020/2021 and/or 2021/2022 season.
- Minimum age: Athlete must have year of birth 2006 or earlier.
- Be internationally classified with a sport class status of either ‘Confirmed’ or ‘Review’ with a ‘Fixed Review Date’ of 2022 or later.

1.1.4. Other requirements (if any):

- Standing and visually impaired athletes must be U.S. Ski & Snowboard members in good standing as of December 15, 2021 to be considered for nomination.
- Athletes wishing to be considered for Biathlon (BT) events must be members of the U.S. Biathlon Association (USBA) in good standing as of December 15, 2021 to be considered for nomination.
- Athletes age 18 or older will be required to undergo a background screen in accordance with the current USOPC Background Check Policy.
- Athletes age 18 or older as of the Closing Ceremony will be required to complete the U.S. Center for SafeSport's online training.

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.

- Any WPNS Sanctioned events between December 6, 2020 and December 13, 2021.
- Any WPNS World Cup events between February 28, 2021-December 13, 2021.
- For standing and visually impaired athletes: Any U.S. Ski & Snowboard cross country (CC) points races between November 15, 2021 and December 13, 2021.

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).

- U.S. Ski & Snowboard CC points races and WPNS points races are open to all athletes (no qualification necessary).
- Qualification criteria for WPNS World Cup events will be posted on the following page:  
<https://www.teamusa.org/usparanordicskiing/selection-criteria>

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).

Team Size: U.S. Paralympics Nordic Skiing aims to field a Team that will be internationally competitive at the 2022 WPNS World Championships. No minimum or maximum Team size will be established. Athletes meeting any of the below criteria shall be selected to the Team.

- a. Athletes achieving a podium finish (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>) in any WPNS World Cup during the selection period, outlined in Section 1.2.1, will be selected to the Team provided that there were a minimum of five (5) finishers in the event.
- b. Athletes attaining a WPNS result of 65 points or better in any BT or CC race during the selection period, outlined in Section 1.2.1, will be selected to the Team.
- c. Standing and VI athletes with a calculated result at any U.S. Ski & Snowboard CC points race that is 200 points or better during the selection period outlined in Section 1.2.1.
- d. Discretionary Selection: Up to five (5) athletes of either gender who have not met any of the above criteria may be selected through the discretionary process described in section 2.2.A.
- e. Guide Athletes: Guide athletes will be selected to the Team utilizing the discretionary criteria for guide athletes as set forth in Section 2.2.B.
- f. Bipartite slots:
  - Prior to awarding Bipartite slots, the WPNS and/or WPNS STC may invite each National Paralympic Committee to submit an application requesting that an athlete or athletes be considered for a Bipartite slot. U.S. Paralympics Nordic Skiing may, but is not required to, submit an application for a Bipartite slot depending on whether or not, as determined by the U.S. Paralympics Nordic Skiing Selection Committee, there are athlete candidates who meet the above principles who failed to earn WPNS points due to medical or other extraordinary circumstances. The selection of a particular athlete for submission to WPNS STC for a Bipartite slot will be based on the above and on the discretionary selection criteria set forth in Section 2.2.A.
  - If WPNS awards a Bipartite slot to the athlete by name, U.S. Paralympics Nordic Skiing will accept such athlete to the Team provided he or she meets all the eligibility provisions and other requirements set forth in these Procedures. U.S. Paralympic Nordic Skiing will disclose the name of any athlete named to the Team via Bipartite invitation.
  - To be considered for a bipartite slot, athletes must apply by sending a request for consideration to U.S. Paralympics Nordic Skiing Director, via email, by December 10, 2021.

## 2. DISCRETIONARY SELECTION (if applicable)

### 2.1. Provide rationale for utilizing discretionary selection (if any):

The purpose of discretionary selection is to allow U.S. Paralympics Nordic Skiing the ability to nominate the best physically, psychologically and technically prepared athletes to the 2022 WPNS World Championships Team who are capable of a podium result, who can positively impact Team performance, or those who are considered to be on track to produce a podium result in future Paralympic competition and are not captured through objective measures. The U.S. Paralympics Discretionary Selection Committee for Nordic Skiing will evaluate and recommend athletes to be nominated to the Team via discretionary criteria.

### 2.2. List the discretionary criteria and explain how they will be used (if any):

#### A. Nordic Skiing athletes:

The following factors, not in priority order, may be considered in the discretionary selection of up to five (5) total athletes of either gender:

- Podium result outside of the selection period in World Cup, World Championships, or Paralympic Games competitions.
- Recent positive direction or improving trend of competition results.
- Illness or injury during the selection period.
- Indication of medal potential in future Paralympic competition, including in a relay event.

#### B. Guide athletes

The Discretionary Selection Committee will nominate guide athletes to the Team through discretionary selection. Guide athletes are used for the B1-3 sport classes (visually impaired). The total number of guide athletes nominated is contingent upon the overall number of athletes in the B1-3 sport classes nominated to the team.

The below factors, in no priority order, will be considered in the selection of a guide athlete:

- The speed of the guide athlete in relation to the athlete being guided. The guide athlete must be faster than the athlete.
- Voice command and positioning experience.
- Preference of the qualified athlete.

- Demonstrated expertise of the guide athlete—must have expertise and experience in the assigned athlete’s specific event(s).
- Knowledge and understanding of the WPNS Rules pertaining to guide athletes. <https://www.paralympic.org/nordic-skiing/rules>

Guide athletes will be held to the same standards and code of conduct as outlined in these Procedures. The guide athlete position is contingent on the nomination and participation of the designated athlete to be guided. If the designated athlete is removed, or will not compete, the guide athlete will be removed unless otherwise reassigned to another athlete by the Discretionary Selection Committee.

- 2.3. Provide the name of the committee that will be responsible for making discretionary selections, along with a complete list of the members’ titles currently serving on the committee:

U.S. Paralympics Discretionary Selection Committee for Nordic Skiing:

Director, U.S. Paralympics Nordic Skiing  
 Athlete Representative, U.S. Paralympics Nordic Skiing  
 Associate Director, Paralympic Sport Operations

- 2.3.1. Specify the process that will be used to identify and handle any potential conflicts of interest involving a member of the committee.

Any member of the selection committee that has a possible conflict of interest must disclose it. If such conflict exists, the selection committee member must recuse him/herself from committee discussions and voting. Further, the committee member should not otherwise influence other members of the committee in the selection process. However, a committee member who recused him/herself, but who has relevant and necessary information with respect to athlete performance, for example a national team coach or high performance director, may, if requested by the selection committee, provide such information to the committee so long as such information is provided in a fair and unbiased manner and the committee member who declared the conflict of interest does not vote toward the final decision.

### **3. REMOVAL OF ATHLETES**

- 3.1. Prior to entry by name to the Local Organizing Committee by the USOPC, U.S. Paralympics Nordic Skiing has jurisdiction over potential nominees.

An athlete who is to be nominated to the Team by U.S. Paralympics Nordic Skiing may be removed for any of the following reasons, as determined by U.S. Paralympics Nordic Skiing:

- 3.1.1. Voluntary withdrawal. Athlete must submit a written letter to the U.S. Paralympics Nordic Skiing Director.
- 3.1.2. Injury or illness as certified by a physician (or medical staff) approved by U.S. Paralympics Nordic Skiing. If an athlete refuses verification of his/her illness or injury by a physician (or medical staff) approved by U.S. Paralympics Nordic Skiing, his/her injury will be assumed to be disabling and he/she may be removed.
- 3.1.3. Failure to participate in Mandatory Training and/or Competition as defined in Section 9 of these procedures.
- 3.1.4. Violation of the U.S. Paralympics Nordic Skiing Code of Conduct (Attachment A).
- 3.1.5. Re-classification of the athlete by WPNS, such that the athlete's qualifying performance would not have qualified him/her for the Team.
- 3.1.6. Removal by WPNS of the event in which the athlete qualified for the Team, from the program of the WPNS World Championships.

An athlete who is removed from the Team pursuant to this provision has the right to a hearing per U.S. Paralympics Nordic Skiing Bylaws and the USOPC's Bylaws, Section 9.

- 3.2. Once athlete entries have been submitted to the Local Organizing Committee by the USOPC, the USOPC has jurisdiction over the Team, at which time, in addition to any applicable NGB/HPMO Code of Conduct, the USOPC's Code of Conduct and Grievance Procedures apply. The USOPC's Code of Conduct and Grievance Procedures can be found at:  
[www.teamusa.org/Athlete-Ombudsman/Games-and-Competition](http://www.teamusa.org/Athlete-Ombudsman/Games-and-Competition)  
[www.teamusa.org/Footer/Legal/Governance-Documents](http://www.teamusa.org/Footer/Legal/Governance-Documents)
- 3.3. An athlete may be removed as a nominee to the Team or from the Team for an adjudicated violation of IPC, WADA, WPNS, USADA and/or USOPC anti-doping protocol, policies and procedures, as well as the U.S. Center for SafeSport Code, the USOPC Athlete Safety Policy and U.S. Paralympics Nordic Skiing SafeSport policies, as applicable.

#### **4. REPLACEMENT OF ATHLETES**

4.1. Describe the selection and approval process for determining replacement athlete(s) should a vacancy occur:

4.1.1. prior to submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

No replacement of athletes will occur.

4.1.2. after submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

No replacement of athletes will occur.

## 5. SUPPORTING DOCUMENTS

U.S. Paralympics Nordic Skiing will retain the approved Selection Procedures and all supporting documents, including scouting or evaluation forms, etc., and data from the selection process for six months past the date of the 2022 WPNS World Championships.

## 6. REQUIRED DOCUMENTS

In addition to the [USOPC Code of Conduct](#), the following documents are required to be signed by an athlete as a condition of nomination to the 2022 WPNS World Championships and are included as attachments:

- USOPC Code of Conduct for U.S. Paralympics National Teams and Paralympic Programs (Attachment A)
- USOPC Complaint Procedures for U.S. Paralympics National Teams and Paralympic Programs (Attachment B)

## 7. PUBLICITY/DISTRIBUTION OF PROCEDURES

The USOPC approved Selection Procedures (complete and unaltered) will be posted/published by the U.S. Paralympics Nordic Skiing in the following location(s):

7.1. U.S. Paralympics Nordic Skiing Web site:

<https://www.teamusa.org/USParaNordicSkiing>

These procedures will be posted as soon as possible, but not more than five business days following notice of approval by the USOPC.

**8. DATE OF ENTRY TO THE WPNS WORLD CHAMPIONSHIPS ORGANIZING COMMITTEE**

The entry of athletes form, including replacements, will be announced to all athletes and submitted on or before: December 26, 2021.

**9. MANDATORY TRAINING AND/OR COMPETITION**

Specify the location, schedule and duration of mandatory training and/or competition:

There will be no mandatory training or competitions.

**10. ANTI-DOPING REQUIREMENTS**

Athletes must adhere to all IPC, WADA, WPNS, USADA and USOPC anti-doping protocols, policies and procedures, as applicable. This includes participation in Out-of-Competition Testing as required by the IPC, WADA, WPNS, USADA and USOPC Rules, as applicable.

**11. DEVELOPMENT OF SELECTION PROCEDURES**

The following committee/group (include names and titles) was responsible for creating these Selection Procedures:

Eileen Carey -Director, U.S. Paralympics Nordic Skiing

Gary Colliander – Associate Director High Performance, U.S. Paralympics Nordic Skiing

Sean Halsted – Athlete Representative

**12. NGB/HPMO BYLAWS AND GRIEVANCE PROCEDURES**

The USOPC Bylaws and Grievance Procedures can be found at:

<https://www.teamusa.org/Footer/Legal/Governance-Documents>

<https://www.teamusa.org/usparanordicskiing/selection-criteria>

**13. INTERNATIONAL DISCLAIMER**

These procedures are based on IPC, as applicable, and/or WPNS rules and regulations as presently known and understood. Any change in the selection procedures caused by a change in IPC, as applicable, and/or WPNS rules regulations will be distributed to the affected athletes immediately. The selection criteria are based on the latest information available to U.S. Paralympics Nordic Skiing. However, the selections are always subject to unforeseen, intervening circumstances, and realistically may not have accounted for every possible contingency.

If any force of nature, or force majeure, should cause the alteration or cancellation of any of the selection events listed in this document, these selection procedures will be revised, pursuant to their resubmission to the USOPC.

**14. ATHLETE OMBUDS**

The Athlete Ombuds provides cost-free, independent and confidential advice regarding athlete rights, grievance procedures and any other related guidance pertaining to selection procedures and can assist in mediating disputes between athletes and their NGB/HPMO.

To contact the Athlete Ombuds Office:

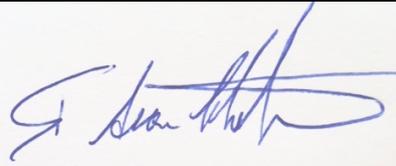
PHONE: (719) 866-5000

EMAIL: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)

WEBSITE: [www.usathlete.org](http://www.usathlete.org)

**15. NGB/HPMO SIGNATURES**

**I certify that I have read and understand the standards/criteria set by our IF and incorporated those standards/criteria into our Selection Procedures. I further certify that the information provided herein regarding Athlete Selection Procedures represents the method approved by U.S. Paralympics Nordic Skiing.**

Position	Print Name	Signature	Date
Chief of Paralympics	Julie Dusliere		7/22/2021
U.S. Paralympics Nordic Skiing Director	Eileen Carey		7/22/2021
USOPC Athletes' Advisory Council Representative*	Sean Halsted		7/22/2021

\* If the USOPC AAC Representative has delegated authority to the Alternate AAC Representative to sign the Selection Procedures, attach a letter from the AAC Representative indicating the reason he/she has delegated authority.

\* Signature by the Athlete Representative constitutes that he/she has read and understands the Selection Procedures. If the Athlete Representative reads and does not agree with the Athlete Selection Procedures being submitted by the NGB/HPMO, he/she may submit those reasons in writing to his/her Sport Performance Team.

\* If, for some reason, a sport does not have an elected USOPC AAC Representative, the NGB/HPMO must designate an athlete from that sport to review and sign the Selection Procedures.



# UNITED STATES OLYMPIC & PARALYMPIC COMMITTEECODE OF CONDUCT FOR U.S. PARALYMPICS NATIONAL TEAMS AND U.S. PARALYMPICS PROGRAMS

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## ATHLETE PLEDGE AND AGREEMENT

I pledge to uphold the spirit of this Code of Conduct (the “Code”), which offers a guide to my conduct as a member of a U.S. Paralympics National Team or a U.S. Paralympics Team to international competition (the “Team”). This Code applies to those Paralympic sports in which the United States Olympic & Paralympic Committee (USOPC) has not recognized a National Governing Body or a Paralympic Sport Organization to govern the sport. I acknowledge that I have a right to a hearing if my opportunity to compete is denied or if I am charged with a violation of this Code.

I have familiarized myself with the Code and understand that acceptance of its provisions is a condition of my membership on the Team. I understand that U.S. Paralympics staff is responsible for enforcement of this Code. If I have any questions regarding this Code, I can reach out to U.S. Paralympics staff at [Paralympics.Secretary@usopc.org](mailto:Paralympics.Secretary@usopc.org).

**As a Member of the Team, I hereby promise and agree that I:**

- will abide by all published rules related to the Team selection procedures as approved by U.S. Paralympics or the USOPC;
- have acted and will act in a sportsmanlike manner consistent with the spirit of fair play and responsible conduct;
- will maintain a level of fitness and competitive readiness that will permit my performance to be at the maximum of my abilities;
- will notify U.S. Paralympics if (i) I have a physical injury or illness that might compromise my ability to compete; (ii) will submit, if requested, to a physical/medical examination by medical personnel approved by the USOPC and authorize the submission of the physical examination/medical information to US Paralympics and the USOPC; and (iii) understand that such injury or illness may be the cause for my not being selected to the Team, being removed from the Team, or not being allowed to participate if I remain on the team.
- will comply with all aspects of the U.S. Center for SafeSport’s (the “Center”) SafeSport Code for the U.S. Olympic and Paralympic Movements (the “SafeSport Code”) and all other

applicable athlete safety policies, procedures and protocols of the USOPC and the Center. Such policies include the USOPC Athlete Safety Policy and the Minor Athlete Abuse Prevention Policies;

- will not commit a doping violation as defined by the World Anti-Doping Agency (WADA), the United States Anti-Doping Agency (USADA), the International Paralympic Committee (IPC) or USOPC rules;
- am not currently provisionally suspended or serving a period of ineligibility for a doping violation and/or do not have a pending or unresolved doping charge;
- will immediately notify the USOPC at [athlete.safety@uspoc.org](mailto:athlete.safety@uspoc.org) if I have any (a) unresolved allegations of SafeSport Code violations, (b) participation restriction, safety plan(s), temporary measure(s) and/or sanction(s);
- will not engage in any conduct that is criminal under any laws applicable to me, including, but not limited to laws governing the possession and use of drugs and alcohol and providing of drugs to any person and of alcohol to minors; and I have the affirmative duty to disclose my criminal history to the USOPC. Failing to disclose, or intentionally misrepresenting, an arrest, plea, or conviction is grounds for disciplinary action regardless of when the offense is discovered or occurred;
- will not participate or assist in any gambling or betting activities associated with any event related to my sport or my participation;
- am eligible to compete under the rules of the IPC and its pertinent committees, and its pertinent member organizations and under the rules of the USOPC;
- am in possession of a valid U.S. passport, that will not expire prior to six months following the conclusion of any international competition, should I be chosen for an international team that requires a passport;
- will refrain from conduct detracting from my ability or that of my teammates to attain peak performance;
- will respect the property of others whether personal or public;
- will maintain a level of personal hygiene and cleanliness appropriate to respect my teammates;
- will respect members of my Team, other teams, spectators and officials, and engage in no form of discriminatory behavior nor in any form of verbal, physical or sexual harassment or abuse;
- will follow the Team rules, whether set by Team leadership or adopted by consensus, including by way of example, rules regarding curfew and required attendance at Team meetings;

- agree to wear the uniforms approved by U.S. Paralympics at official activities sponsored by the USOPC or U.S. Paralympics as directed by U.S. Paralympics staff, and I agree to compete in the U.S. Paralympics-approved Team uniform, where such a uniform is provided, in competitions at which I am supported by U.S. Paralympics. I agree to wear the names and logos of U.S. Paralympics sponsors, suppliers and licensees on Team competition wear, other uniforms and casual wear as provided by U.S. Paralympics. I agree to not alter any Team uniform, either by removing or obstructing the names or logos of U.S. Paralympics sponsors, suppliers and licensees or by adding patches, stickers, or other means of displaying unauthorized names, logos or messages;
- agree to not demean or defame the USOPC, U.S. Paralympics or its sponsors, their names, logos, marks, products or services. I acknowledge that endorsing and supporting U.S. Paralympics sponsors through my actions and words reflects well on the team and on those supporting the team.
- agree to be filmed, videotaped and photographed, and to have my image and voice otherwise recorded, in any media, during any event I am attending under the auspices of the USOPC or U.S. Paralympics, by U.S. Paralympics official photographer(s), film crew(s) and video crew(s), and by any other entity authorized by U.S. Paralympics, under the conditions specified by U.S. Paralympics. I hereby grant U.S. Paralympics the irrevocable, perpetual, fully paid-up, worldwide right and license to use, and to authorize third parties to use, in all media, my name, picture, likeness, voice and biographical information for: (1) news and information purposes, (2) promotion of the Paralympic movement and the specific competition(s) in which I compete, (3) promotion of the Team, and (4) promotion of U.S. Paralympics and the USOPC ; in no event may U.S. Paralympics or the USOPC use or authorize the use of my name, picture, likeness, voice and biographical information for the purpose of trade, including any use in a manner that would imply an endorsement of any company, product, or service, without my written permission;
- will not use or authorize the use of photographs, films or videos of myself in my USOPC or Paralympic Team apparel or equipment or the use of any USOPC or U.S. Paralympics logo for the purpose of trade, promotion, fundraising or on merchandise, without the prior written consent of U.S. Paralympics;
- will abide by the rules of the IPC or other Paralympic international federation concerning allowable trademark identification on clothing and equipment worn or used in competition or on my body (such as visible tattoos).
- will be responsible for payment of all legal fees and expenses if I require legal representation because I am accused of a doping violation or criminal misconduct, or if for any other reason I require the services of an attorney;
- will act in a way that will bring respect and honor to myself, my teammates, the Team, U.S. Paralympics, the USOPC, and the United States; and

- will remember that at all times I am an ambassador for my sport, my country and the Paralympic Movement.

**ATHLETE OMBUDSMAN**

I may contact the USOPC Athlete Ombudsman, at 719.866.5000 or [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org) for further information regarding my rights under this Code that are not answered by U.S. Paralympics.

**PARTICIPANT AFFIRMATION**

I have read and accept this Code of Conduct. I agree to the rules, guidelines, jurisdiction and procedures stated in these documents as a condition of being a member of the Team.

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Signature	Date
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Name (Print)

**PARENT/GUARDIAN CERTIFICATION**

(For Participants Under the Age of 18 as of Date of Signature)

I certify that I, as parent/guardian with legal responsibility for this participant, have read and accept this Code of Conduct and, on behalf of my minor participant, agree to the rules, guidelines, jurisdiction and procedures stated in these documents as a condition of being a member of the Team.

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Signature	Date
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Name (Print)	Relationship (Parent or Guardian)
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ATTACHMENT B

**U.S. Paralympics  
COMPLAINT PROCEDURES  
January 1, 2020**

**ARTICLE I. ADMINISTRATION OF COMPLAINTS**

Section 1. Types of Complaints.

U.S. Paralympics has the authority to hear and render decisions on the following types of complaints:

- a. Administrative Grievances. Any alleged violation of or grievance concerning: any U.S. Paralympics rule, regulation, or any U.S. Paralympics program or service;
- b. Opportunity to Participate Complaints. Any alleged denial, or alleged threat of denial, of an athlete, coach, trainer, manager, administrator or official's opportunity to participate in competition or activity authorized or organized by U.S. Paralympics;
- c. Disciplinary Actions. Any alleged violation of U.S. Paralympics Code of Conduct, or any other rule or regulation relating to conduct, other than alleged violations of the U.S. Center for SafeSport's ("USCSS") SafeSport Code.

Complaints must be filed pursuant to the specific procedures set forth for each type of complaint and on the form provided by U.S. Paralympics.

Section 2. USOPC Dispute Resolution Unit.

The United States Olympic & Paralympic Committee's ("USOPC") Dispute Resolution Unit ("DRU") will generally administer and oversee all complaints. The DRU will be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. Respondents will be afforded basic due process rights as described in the procedures below. The DRU may promulgate procedures in addition to those set forth in these Complaint Procedures for the effective administration of reports or complaints filed with or referred to U.S. Paralympics.

The DRU will be responsible for determining if a complaint filed with the DRU (1) was properly filed; (2) satisfies the minimum requirements for that type of complaint; (3) should be redesignated as a different type of complaint; and (4) if the applicable filing fee has been submitted. If the DRU determines that a complaint was not filed properly or failed to satisfy the minimum requirements for such complaints, then the DRU will provide the parties the opportunity to remedy the deficiencies and re-file. When making this initial determination of the propriety of filing and the adequacy of the complaint, the DRU may not make any decisions or judgments based on the merits of the complaint, nor may the DRU make any determination that the complaint was frivolous. If the DRU determines that a complaint was filed using the

improper designation (e.g., an opportunity to participate complaint was filed as an administrative grievance), then the DRU will notify the parties of the mis-designation and treat it according to the proper designation. If any deficiencies in the filing are identified as a result of the re-designation, then the DRU will provide the parties the opportunity to remedy the deficiencies and re-file.

## **ARTICLE II. GENERAL HEARING PROCEDURES**

### Section 1. Hearing Panel Appointment.

Upon the filing of a complaint, the DRU will appoint a Hearing Panel consisting of three (3) disinterested individuals to hear the complaint. The DRU will also appoint a chair of the Hearing Panel from the three individuals selected. At least one (1) member of the Hearing Panel will be an Athlete Representative. An Athlete Representative must have (1) within the ten (10) years preceding election, represented the United States in the Olympic, Pan American, Paralympic, or Parapan American Games, World Championships, event designated as an Operation Gold event, or, in a team sport, an international championship recognized by the International Federation of the sport; or (2) within the twenty-four (24) months preceding election demonstrated that they are actively engaged in amateur athletic competition by finishing in the top half of U.S. Paralympics national championships or, in a team sport, have been a member of U.S. Paralympics national team. Members of the panel need not be involved in the respective sport.

The complaining party or responding party may object to the appointment of any member of the Hearing Panel on the grounds of bias, conflict of interest, or such other grounds on which the party believes the panel member should be disqualified. The objection, along with relevant information, will be provided to the USOPC Ethics Officer to review any potential grounds for disqualification. The USOPC Ethics Officer will timely render a determination of whether the appointed panel member should be disqualified, and, if the panel member is disqualified, a replacement panel member will be appointed promptly.

### Section 2. Notice of the Complaint.

Upon the filing of a complaint, the chair of the DRU will provide acknowledgement of receipt of the complaint to the complainant.

Upon determining that the complaint was properly filed and satisfied the minimum requirements of a complaint of the type asserted, the DRU will promptly provide written notice to the respondent that a complaint against him or her has been received, along with a copy of the complaint. The notice will include an explanation of the allegations or charges made against the respondent, the respondent's opportunity to provide a response, any potential consequences if applicable and the right to have a representative present and provide assistance throughout the proceedings. For cases involving the opportunity to participate, written notice will be provided to all known affected parties.

### Section 3. Right to a Representative

Any party to a proceeding under these Complaint Procedures has the right to have a representative present during such proceedings at his or her own expense.

### Section 4. Conduct of the Proceedings.

The Hearing Panel will rule on all motions and other matters raised in the proceeding.

A respondent may file a motion to dismiss a complaint against him or her on if:

- (a) the complaint was filed after the applicable statute of limitations for such complaints has expired; or
- (b) the complaint fails to allege any conduct that could be construed as constituting a violation of any applicable rule, policy, or procedure of U.S. Paralympics.

If the complaint is not dismissed, the Hearing Panel will hold a hearing on the complaint. The Hearing Panel will provide to all parties a schedule for the proceeding. The Hearing Panel also will set such other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

In advance of the hearing, the parties may exchange a list of anticipated witnesses, with a brief description of their expected testimony, and any exhibits that the parties anticipate using at the hearing.

The hearing will be informal, except that testimony will be taken under oath. The hearing may be conducted by teleconference or videoconference, if necessary or convenient to the parties. Each party will have the right to appear personally or through a representative.

The Hearing Panel will be required to determine whether, based on the evidence presented, the party seeking relief has proven its entitlement to relief by a preponderance of the evidence.

Any party may have a record made of the hearing. A court reporter may be present at the hearing at the request of a party. The court reporter will be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript will be paid for by the party requesting the transcript.

### Section 5. Written Decisions.

A decision will be determined by a majority of the Hearing Panel. The Hearing Panel's decision will be in writing and distributed to the parties promptly following the close of the hearing.

### Section 6. Statute of Limitations.

All complaints must be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

### Section 7. Informal Resolution/Mediation.

For all reports and complaints, U.S. Paralympics may attempt to informally resolve the dispute at any time. An informal resolution will be in writing and will be considered a final disposition of the matter.

For any report involving allegations of violations of U.S. Paralympics Code of Conduct that is resolved informally, U.S. Paralympics will notify the reporting party that the matter has been resolved. U.S. Paralympics may, but is not required to, provide the reporting party with the details of the resolution. If an informal resolution is reached and the matter is final, the reporting party cannot pursue the complaint further.

### Section 8. Due Process.

The parties will be afforded basic due process rights, including, but not limited to, the following:  
each party will have the right to appear personally or through a representative.

Respondents will receive written notice of any alleged violation or complaint against them, along with an explanation of the potential consequences.

Respondents will be given a reasonable time before a hearing in which to prepare a defense.

The Hearing Panel will hold the hearing in a prompt and timely manner. The Hearing Panel will use best efforts to hold the hearing within thirty (30) days of receipt of the complaint, and to issue its written decision within fifteen (15) days thereafter.

All parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument.

Members of the Hearing Panel will have the right to question witnesses or the parties to the proceeding at any time.

All parties will receive a written decision from the Hearing Panel, which will include notice of the applicable appeal procedures.

### Section 9. Expedited Procedures.

Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the DRU is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the Hearing Panel is

authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

#### Section 10. Interim Measures.

In the case of Disciplinary Actions, prior to the matter being heard on the merits, it may be necessary to implement interim measures against the respondent in the following circumstances: (i) to ensure the safety or well-being of others, or (ii) where an allegation is sufficiently serious. Where either such circumstance exists, U.S. Paralympics may immediately implement interim measures to protect others, provided the respondent is afforded an opportunity for a provisional hearing within a reasonable amount time, including allowing to request expedited procedures if it affects an individual's opportunity to participate. The provisional hearing is not a full hearing on the merits. The sole issue before the Hearing Panel is whether there is reasonable cause to impose an interim measure. Interim measures may include, but are not limited to, altering training schedules, providing chaperones, limiting contact, removal from the venue and suspensions. The respondent will still be afforded with a hearing on the merits in a timely manner thereafter.

### **ARTICLE III. ADMINISTRATIVE GRIEVANCES**

#### Section 1. Jurisdiction.

Any individual subject to the rules and regulations of U.S. Paralympics, as evidenced through signing any U.S. Paralympics agreement or Code of Conduct, may file an administrative grievance and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

#### Section 2. Filing Requirements.

- a. Manner of Filing. A complainant will file an Administrative Grievance Complaint with the DRU at [DRU@usopc.org](mailto:DRU@usopc.org) using the form provided by U.S. Paralympics.
- b. Requirements For Complaint. The complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation or grievance; (ii) the identity of the rule, regulation, policy, or other U.S. Paralympics requirement alleged to have been violated; (iii) the identity of any parties claimed to have been aggrieved by the violation; (iv) the identity of any parties claimed to have been involved in or to have caused the alleged violation or grievance; and (v) the remedy requested. The complainant will sign the complaint and provide his or her current contact information on the form, including a preferred email address.
- c. Filing Fee. A filing fee of \$100 must be submitted with any administrative grievance filed with the DRU. The filing fee may be waived by the DRU for individual complainants upon a showing of hardship or other good cause.

#### Section 3. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures.

#### Section 4. Appeal

A party not satisfied with the decision may appeal the decision to the American Arbitration Association (AAA) pursuant to the Commercial Rules of Arbitration for a final and binding decision. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter.

### **ARTICLE IV. OPPORTUNITY TO PARTICIPATE COMPLAINTS**

#### Section 1. Jurisdiction.

Any athlete, coach, trainer, manager, administrator or other official participating in, or believes should participate in, any competition or activity authorized or organized by U.S. Paralympics may file an opportunity to participate complaint and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

#### Section 2. Filing Requirements.

- a. Manner of Filing. A complainant will file an Opportunity to Participate Complaint with the DRU at [DRU@usopc.org](mailto:DRU@usopc.org) on the form provided by the U.S. Paralympics.
- b. Requirements For Complaint. The complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the grievance, violation, or conduct that impacts or could impact the individual's opportunity to participate; (ii) the identity of the respondent and any affected parties; (iii) the particular competition, event, or activity in which the individual's or affected parties' participation could be impacted; and (iv) the remedy requested. The complainant will sign the complaint and provide his or her current contact information in the signature block, including a preferred email address.
- c. Filing Fee. A filing fee of \$100 must be submitted with any opportunity to participate complaint filed with the DRU. The filing fee may be waived by the DRU for individual complainants upon a showing of hardship or other good cause.

#### Section 3. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures. In addition, all affected athletes will be treated as parties to the case, and will be provided an opportunity to participate in the hearing.

#### Section 4. No Exhaustion Requirement for Complaints Involving a Protected Competition

If the competition in question is a protected competition, as defined in Section 1.3 of the USOPC Bylaws, an individual is not required to exhaust internal remedies and first go through U.S. Paralympics Complaint Procedures and may proceed directly through the process set forth in Section 9 of the USOPC Bylaws.

#### Section 5. Appeal.

If a complainant is not satisfied with a decision rendered under these Complaint Procedures, and the competition involves a protected competition, the individual may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously thereto, the individual may file a demand for arbitration with the AAA pursuant to the AAA's Commercial Arbitration Rules. The AAA's decision will be a final and binding decision.

For all other competitions, the complainant may appeal a decision of the Hearing Panel to the AAA pursuant to the AAA's Commercial Arbitration Rules for a final and binding decision. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter. Either party may submit the decision of the Hearing Panel to the arbitrator for the arbitrator's consideration.

### **ARTICLE V. DISCIPLINARY ACTIONS**

#### Section 1. Jurisdiction.

Any individual may file a report against any other individual of the Paralympic sport who has signed and agreed to abide by the U.S. Paralympics Code of Conduct while the action occurred, for alleged violations of U.S. Paralympics Code of Conduct or any other rule or regulation relating to conduct.

#### Section 2. Reporting.

- a. Reporting to U.S. Paralympics. Any individual may report alleged misconduct to U.S. Paralympics. Individuals may report alleged misconduct either verbally or in writing to the U.S. Paralympics. In a report, the individual is encouraged, but not required, to provide the following information: (i) the identity of the individual or individuals alleged to have violated the U.S. Paralympics Code of Conduct, other rule or regulation related to Conduct; (ii) details regarding the complained of misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; and (iii) the reporting or complaining party's contact information, including a preferred email address, unless the report or complaint was made anonymously.

U.S. Paralympics may also pursue a possible violation of the Code of Conduct based on information received other than by a report described here.

- b. Anonymous Reporting. All reports can be made anonymously.

### Section 3. Filing Fee.

There will be no filing fee associated with the filing of a report or complaint of alleged violations of U.S. Paralympics Code of Conduct or other rule or regulation related to conduct.

### Section 4. Interim Measures.

U.S. Paralympics may impose interim measures at any time pursuant to Article II Section 10.

### Section 5. Preliminary Inquiry/Investigation.

Upon receipt of a report of an alleged violation of U.S. Paralympics Code of Conduct or other rule or regulation related to conduct, U.S. Paralympics will promptly undertake a preliminary inquiry into the matter and gather any relevant information it can regarding the alleged misconduct.

If U.S. Paralympics determines that a formal investigation is required before proceeding with the case, then U.S. Paralympics will conduct, or direct to be conducted, an unbiased and impartial investigation of the report and prepare an investigative report that provides a comprehensive description of the investigator's findings.

### Section 6. Informal Resolution

At any time prior to a final decision, the U.S. Paralympics has the authority to reach an informal resolution of any matter. An informal resolution is a final decision and will not be appealable. U.S. Paralympics will notify the reporting party, if any, that an informal resolution has been reached. U.S. Paralympics may, but is not required to, provide the reporting party with the details of the resolution. If an informal resolution is reached and the matter is final, the reporting party cannot pursue the complaint further.

### Section 7. Party Responsible For Pursuit Of Case.

- a. U.S. Paralympics Pursues Case. After review of the initial report, any preliminary information gathered, and the investigative report (if one has been issued), U.S. Paralympics may initiate a complaint by filing a complaint with the DRU and requesting that a hearing on the complaint be conducted. Unless U.S. Paralympics, either through the preliminary inquiry and/or investigative report, determines with certainty that there is no basis to the report, or if an informal resolution has not been reached, U.S. Paralympics will pursue a complaint based on the reported misconduct. U.S. Paralympics will notify the reporting party that the NGB is pursuing the complaint.
- b. U.S. Paralympics Declines the Case.

- i. If U.S. Paralympics declines to file a complaint on behalf of U.S. Paralympics based on the preliminary inquiry and/or investigative report or other reasons, then U.S. Paralympics must advise the reporting party (if the report was not made anonymously) that, while U.S. Paralympics will not initiate a complaint in its own name, the reporting party may still file his/her complaint directly with the DRU.
- ii. If the reporting party elects to file a complaint with the DRU , then the reporting party is responsible for all aspects of pursuing the case that otherwise would have been the responsibility of U.S. Paralympics.
- iii. The reporting party who elects to move the case forward will be provided with any relevant information collected by the U.S. Paralympics.

#### Section 8. Filing Requirements.

- a. Manner of Filing. A complainant (either U.S. Paralympics, or the reporting party only if U.S. Paralympics declines to pursue the case) will file a Disciplinary Action Complaint with the DRU at [DRU@usopc.org](mailto:DRU@usopc.org).
- b. Requirements for Disciplinary Action Complaints. The Disciplinary Action Complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the identity of the individual or individuals alleged to have violated U.S. Paralympics Code of Conduct or other rule or regulation related to conduct; (ii) details regarding the misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; (iii) the initial report of the alleged misconduct; (iv) any relevant information gathered from any preliminary inquiry or investigation conducted by U.S. Paralympics or third parties, including any investigative report; and (v) if U.S. Paralympics is the complainant, the reporting party's contact information, including a preferred email address, if known.
- c. Filing Fee. There will be no filing fee associated with Disciplinary Actions.

#### Section 9. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures. However, minors will not be required to submit to cross-examination by the respondent or the respondent's representative, and may instead be examined by the members of the Hearing Panel, including based on written questions submitted by the respondent and/or respondent's representative.

## Section 10. Appeal.

A party may appeal the Hearing Panel's decision to the AAA pursuant to the AAA's Commercial Arbitration Rules for a final and binding decision. If the Hearing Panel's decision affects a party's opportunity to participate in a protected competition as defined in Section 1.3 of the USOPC Bylaws, then the party may proceed through the process set forth in Section 9 of the USOPC Bylaws.

## **ARTICLE VI. EXCLUDED PROCEEDINGS**

### Section 1. Scope of Jurisdiction.

The jurisdiction of these proceedings is limited as follows:

- a. Anti-Doping Violations. A decision concerning a doping violation adjudicated by the independent anti-doping organization designated by the USOPC to serve as the U.S. National Anti-Doping Organization (currently the United States Anti-Doping Agency) will not be reviewable through, or the subject of, these complaint procedures.
- b. SafeSport Decisions. A decision concerning a SafeSport Code violation adjudicated by the independent safe-sport organization designated by the USOPC (currently the USCSS) will not be reviewable through, or the subject of, these complaint procedures.
- c. USOPC Athlete Safety Policy Reports/Complaints. A report and/or complaint submitted pursuant to the USOPC Athlete Safety Policy regarding allegations of the SafeSport Code to which the USCSS declines jurisdiction over, will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the USOPC Athlete Safety Policy.
- d. USOPC Background Check Review. Any review of a self-disclosure or red-light finding of a criminal record that was completed pursuant to the USOPC Background Check Policy, will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the USOPC Background Check Policy.
- e. Field of Play Decisions. The final decision of a referee during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) will not be reviewable through, or the subject of these complaint procedures unless the decision is: (i) outside the authority of the referee to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term "referee" will include any individual with discretion to make field of play decisions.
- f. Classification Matters. All classification matters, disputes, and appeals will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the classification rules and procedures of the International Federation and/or the International Paralympic Committee (for international dispute matters) or the

U.S. Paralympics National Classification Policies & Procedures (for national dispute matters).

## **ARTICLE VII. OTHER MATTERS**

### Section 1. No Retaliation.

Neither U.S. Paralympics nor any U.S. Paralympics member, employee, coach, referee/official or board member will retaliate against an individual for the filing of a complaint or report under these Complaint Procedures. It will constitute a violation of U.S. Paralympics rules and grounds for discipline to retaliate against any individual for the filing of a complaint.

### Section 2. Office of the Athlete Ombuds

The Office of the Athlete Ombuds offers cost-free, confidential, independent advice to athletes regarding grievance processes and assists athletes in resolving disputes or concerns. For advice or assistance, athletes may contact the Office at (719) 866-5000, [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org), or [www.usathlete.org](http://www.usathlete.org).