



**GRIEVANCE PROCEDURE POLICY  
OF  
USA RACQUETBALL, INC.  
Approved 6/14/21  
Revised 3/28/22**

⇒ **Definitions:** *parties (filing party and respondent); filing party (the alleged injured party, files grievance/complaint); respondent (the alleged offending party/violator); grievant (someone who doesn't like the decision outcome and may wish to appeal)*

**USA Racquetball's Grievance Procedure Policy carries two primary objectives:**

- To provide prompt and equitable resolution of grievances brought by USA Racquetball members
- To provide fair notice and opportunity for a hearing to any amateur athlete, coach, trainer, manager, administrator, or official before declaring the individual ineligible to participate

**I. RIGHT OF GRIEVANCE**

Any member of USA Racquetball may file a complaint and be accorded due process pertaining to any matter within the cognizance of USAR, including but not limited to any alleged violation of or grievance concerning: (i) any USAR rule or regulation, (ii) any provision of USAR's Bylaws, or (iii) any provision of the Ted Stevens Olympic and Amateur Sports Act §220522 ("the Act") relating to USA Racquetball's recognition as a National Governing Body.

**II. TYPES OF GRIEVANCES**

Types of grievances that can be filed include but are not limited to:

- a. An opportunity to participate
- b. Alleged noncompliance against USA Racquetball relative to USOPC Bylaws, the Act, or USA Racquetball rules and regulations.
- c. Observation of a violation of a USA Racquetball Policy, Guideline, Code of Conduct, or Rule inside or outside of a USA Racquetball sanctioned event.

**III. REPORTING GRIEVANCES**

The USA Racquetball **Executive/Ethics/Personnel/Grievance Committee** acts as the first point of contact for grievances, either choosing to directly address the grievance as a committee or, alternatively, appointing appropriate committees, subsets of committees, and/or individuals to comprise adjudication panels responsible for addressing specific individual grievances. This approach allows for inclusion of subject matter experts with specialized functions/knowledge and others chosen to provide the most balanced and fair handling for each grievance brought to the association.

Whether any grievance hearing panel is the Executive/Ethics/Personnel/Grievance Committee itself or an alternative appointed panel, Athlete representation percentage in accordance with USOPC Bylaws Section 8 is mandatory.

a. Manner of filing a grievance/complaint

Any member of USA Racquetball who alleges that he/she has been denied, or is about to be denied, by a person or an organization affiliated with USA Racquetball, any right as set forth in the Bylaws of USA Racquetball and/or this policy shall immediately inform the President of the Board of Directors and/or the Executive Director of USA Racquetball who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay. Any person who believes that some action, or inaction, by one of the organization's members or the governing body itself, may petition for corrective actions. In every case, the procedures in this policy will be followed. In addition, USA Racquetball may also advise the Executive Director of the U.S. Olympic & Paralympic Committee, and, if the offending party is a member of the U.S. Olympic & Paralympic Committee, submit the matter to the American Arbitration Association for binding arbitration.

Statute of Limitations: A grievance shall be filed within ninety (90) days of the occurrence of the alleged violation, grievance, denial or threat to deny the opportunity to participate. There shall be no **time** limit for actions regarding SafeSport disciplinary proceedings.

b. Addendum A of this policy provides a Grievance/Complaint Submission form that includes:

- Full name and identifying membership information of the filing party
- The alleged grounds of violations or noncompliance
- The relief/outcome sought
- Description of grievance/complaint
- The ability to attach supporting evidence and documentation to the allegation
- Contact information for filing the complaint
- Anti-Retaliation Statement

c. USA Racquetball Anti-Retaliation Statement

USA Racquetball has zero tolerance for retaliation against people who make good faith reports of potential ethical, policy, financial, or legal violations, or who cooperate with investigations of those reports. That means individuals governed by this policy, including but not limited to Athletes, Coaches, Tournament Directors, Referees, Members, Vendors, National Board Members, Officers, Contractors, and Staff, may not threaten, harass, discriminate against, or take any negative employment (where applicable) or participation-related action (e.g., discharge, demotion, suspension, non-assignment, negative review) on that basis. Any such retaliation will be treated as a violation of USA Racquetball's Code of Conduct, and it may lead to serious consequences including termination of participation for anyone involved in retaliation.

#### **IV. ADMINISTRATING GRIEVANCES**

a. Grievance Procedure Timeline

Timelines/deadlines relative to each stage of this Grievance Procedure Policy appear in Addendum B herein.

b. Conduct of Proceedings

Pre-hearing processes/responsibilities shall include, e.g., determining hearing panel composition, providing information to hearing panel, providing notice and information to parties, gathering response(s), and communicating hearing procedures.

The basis of a motion to dismiss a grievance may involve but not be limited to procedural issues before deliberation begins, e.g., untimely submission or relevant information not presented during discovery phase. A motion to dismiss will be communicated to the filing party with a request for response based on the content of the motion. An appeal may be made by the filing party protesting the motion to dismiss and providing evidence to support the appeal.

c. Expedited Procedures

If the procedures herein are not likely to produce a sufficiently timely decision to do justice to the affected parties, an organization with original jurisdiction may authorize agent(s) or representative(s), upon appropriate notice to the parties concerned as time and circumstances may reasonably dictate, to use the following special procedures to render a timely decision:

- A special hearing may be conducted at the site of a scheduled competition or by telephone or video conference if necessary, but in any event, under such conditions that will fully protect the rights of procedural due process of the individual or entity charged.
- The notice of charges given to the individual or entity charged may be oral or in writing. If oral, they should be reduced to writing as soon as possible. An oral notice must comply with all notice requirements (except the time frames), including notice of the right of appeal.

**V. HEARING PANEL COMPOSITION AND ADMINISTRATION**

An opportunity will be provided for a hearing before an unbiased panel that is a disinterested and impartial body of fact finders including mandatory Athlete representation percentage in accordance with USOPC Bylaws Section 8.

a. Selection criteria for hearing panel

The Hearing Panel will be composed of no fewer than three (3) and no more than six (6) non-biased and impartial persons. Before the Hearing Process is administered, Hearing Panel appointees must disclose conflicts that could render them as biased and not impartial. Members of the State association's Board of Directors are acceptable provided they are not a party to the proceedings. All Hearing Panel members must have been members of USA Racquetball for at least one year at the time of appointment to the Hearing Panel. If circumstances dictate having a person(s) involved who is not a USA Racquetball member or who do not meet the criteria of one year of membership, the Officers of USA Racquetball shall vote whether to include the individual.

Once the hearing panel has been appointed, the parties will be notified as to the identify of hearing panel members. If conflicts or concerns are raised regarding individuals appointed to the hearing panel, the filing party or the respondent may appeal to the Executive/Ethics/Personnel/Grievance Committee to present their concerns.

If the Executive/Ethics/Personnel/Grievance Committee or the appointed hearing panel determines that conflicts or concerns raised are reasonable and justified, the referenced individual(s) will be dismissed from the hearing panel prior to the start of the hearing process. Non-biased and impartial individuals will appointed by the Executive/Ethics/Personnel/Grievance Committee to replace those dismissed.

**VI. HEARING PROCESS**

The following procedures apply to every grievance for original jurisdiction whether submitted to a State association, the Executive/Ethics/Personnel/Grievance Committee, or any other appointed adjudication body.

An opportunity for a hearing will be provided within a reasonable time, not to exceed ninety (90) days after a filing is received by USA Racquetball.

The respondent has a right to a hearing to be held on a date and at a time and place that all parties are able to attend.

a. Notice

USA Racquetball will provide notice to the alleged violator of the alleged violation, charges, and/or proposed action in writing along with any supporting documentation filed by the filing party. The notice will include the consequences or remedy requested if findings warrant such action.

Within fourteen (14) days of USA Racquetball being informed of a matter requiring the application of the grievance process, the person or entity (respondent) charged shall receive notice, in writing, of the details of the circumstances that require answer, explanation, or clarification. If appropriate, the notice shall also set forth the penalties that may ensue if the charges are proved.

The written notice will set a date, time, and place of a hearing about the charges (see Hearing Process, above).

The date of the hearing shall be no less than fifteen (15) days or more than sixty (60) days after the date of mailing of notice via certified mail.

The notice will call for the respondent to file a written answer to all of the charges set forth in the notice and for the written answer to be delivered by certified mail, personal delivery, or email delivery not later than fourteen (14) days before the date of hearing.

The notice will request the respondent to appear at the hearing. The notice will inform the respondent of his/her rights to (i) be represented at the hearing by counsel or a representative of his/her own choice and (ii) present relevant evidence, testimony, and argument in defense of the charges.

The notice should be sent to the last known address by certified mail. When the notice is mailed to a registered athlete, it is sufficient to mail the notice addressed to the athlete at the address provided in their USA Racquetball membership profile.

The notice shall also describe the right of appeal to the appropriate appellate authority if a decision is rendered against the person or entity charged and that the appeal must be made in writing within thirty (30) days of being notified of the decision.

b. Response from respondent/notifications to respondent and filing party

The opportunity provided for the respondent to submit an answer (see Section VI.a) also includes the right of the respondent to propose reasons why the matter should not be taken on by USA Racquetball or that they request a reasonable time to prepare a defense.

The respondent's answer per the above will be communicated to the filing party.

The filing party will be advised that all parties have the right to engage counsel or representation.

Notice of the identity of any witnesses that will appear at the hearing will be provided to all parties. Distribution of evidence to all parties should be such that the evidence can be inspected within a reasonable time to prepare positions in the matter.

c. Hearing Procedures

The rules of evidence generally accepted in administrative proceedings shall be applicable in the hearing. The respondent has the right to (i) call witnesses, (ii) present relevant evidence, testimony, and

argument at appropriate times, and (iii) confront and cross-examine adverse witnesses.

The Chairperson of the Hearing Body should ensure that a written record of the proceedings is prepared.

All decisions of the Hearing Body shall be made by a simple majority of voting members. The Chairperson should vote only if necessary to break a tie vote.

d. Post-Hearing Procedures

A written decision, with reasons therein, shall be rendered within ten (10) days of the hearing and must be sent to the parties by certified mail.

**VII. APPEALS TO DECISIONS**

Original decisions rendered may be appealed in accordance with the procedures in Article XVII of the USA Racquetball Bylaws posted on the USA Racquetball website at [www.usaracquetball.com](http://www.usaracquetball.com): About/Bylaws.

Any person representing a real party in interest may appeal. The appeal must be filed with the Executive Director of the Corporation within thirty (30) days after the respondent receives written notice of the decision. Upon timely petition and upon showing of good cause, the time for filing an appeal of the decision may be extended.

a. Appellate Bodies/Jurisdiction

1. The Executive/Ethics/Personnel/Grievance Committee or an appellate body appointed by said committee has appellate jurisdiction over any grievance decisions made by State associations.

2. The Executive/Ethics/Personnel/Grievance Committee of the Board of Directors of the Corporation has appellate jurisdiction over grievance decisions (original or appellate) made by any appointed adjudication body.

3. The Board of Directors of the Corporation, at the request of the Executive/Ethics/Personnel/Grievance Committee, may assume appellate jurisdiction to review any original decision of the initial hearing panel, the Executive/Ethics/Personnel/Grievance Committee, or any other appointed adjudication body within sixty (60) days of the decision in question.

**VIII. ARBITRATION APPEALS/SUBMISSIONS**

As required by the Act §220522(a)(4), grievant has the opportunity to appeal or submit to the American Arbitration Association. For a full description of Arbitration Procedures, refer to Article XVIII of the USA Racquetball Bylaws posted on the USA Racquetball website at [www.usaracquetball.com](http://www.usaracquetball.com): About/Bylaws.

Either before or after an appellate ruling, a grievant may request, in writing, that a grievance decision be arbitrated by the American Arbitration Association – a neutral third party – subject to the rules of the American Arbitration Association current at the time of the request.

Such demand for arbitration shall be submitted within thirty (30) days of the decision being appealed.

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**ADDENDUM A -- USA RACQUETBALL GRIEVANCE PROCEDURE POLICY**

**GRIEVANCE / COMPLAINT SUBMISSION**

Any member of USA Racquetball who alleges that he/she has been denied, or is about to be denied, by a person or an organization affiliated with USA Racquetball, any right as set forth in the Bylaws of USA Racquetball and/or this policy shall immediately inform the President of the Board of Directors and/or the Executive Director of USA Racquetball who shall promptly cause an investigation to be made and steps to be taken to settle the controversy without unnecessary delay.

<b>Filing Party Name (First/Middle/Last)</b>	
<b>USA Racquetball Membership Number and Expiration Date</b>	
<b>Description of grievance/complaint</b>	
<b>Alleged grounds of violation or noncompliance</b>	
<b>Relief/outcome sought</b>	

**Filing party may attach additional pages and/or include supporting evidence and documentation relative to the submitted allegation(s).**

*Please forward this form along with any attachments to the President of the Board of Directors per <https://www.teamusa.org/usa-racquetball/leadership/board-of-directors> and to the Executive Director/CEO at [ed@usaracquetball.com](mailto:ed@usaracquetball.com).*

**USA Racquetball Anti-Retaliation Statement**

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**ADDENDUM B -- USA RACQUETBALL GRIEVANCE PROCEDURE POLICY**

**GRIEVANCE PROCEDURE TIMELINE**

<b>Action</b>	<b>Timeframe</b>	<b>Policy Section</b>
Grievance filed	Within ninety (90) days of occurrence	SECTION III (a) REPORTING GRIEVANCES
Notice to respondent that a grievance has been filed	Within fourteen (14) days of grievance received	SECTION VI (a) HEARING PROCESS
Date of hearing set after notice mailed	No less than fifteen (15) days or more than sixty (60) days	SECTION VI (a) HEARING PROCESS
Respondent to file written answer to charges before date of hearing	Not later than fourteen (14) days before hearing	SECTION VI (a) HEARING PROCESS
Hearing takes place	Not to exceed ninety (90) days after a filing with USA Racquetball	SECTION VI HEARING PROCESS
Written decision communicated	Within ten (10) days	SECTION VI (d) HEARING PROCESS
File appeal after written notice of decision	Within thirty (30) days	SECTION VII APPEALS TO DECISIONS
Appeal or submit to American Arbitration Association	Within thirty (30) days	SECTION VIII ARBITRATION APPEALS/ SUBMISSIONS
Board of Directors assumes appellate jurisdiction of the decision in question	Within sixty (60) days	SECTION VII (a)(3) APPEALS TO DECISIONS

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