



USATT Grievance, Complaint and Appeal Procedures

These Grievance, Complaint and Appeal Procedures (“Procedures”) are subject to and incorporate the provisions of the USATT Bylaws (the “Bylaws”) pertaining to complaints, including but not limited to alleged violations of the USATT Code of Conduct, USOPC Bylaws, the Ted Stevens Olympic and Amateur Sports Act, and any other policies, procedures, or regulations within the jurisdiction of the Ethics Committee. To the extent there is any inconsistency between the provisions of these Procedures and the provisions of the Bylaws, the provisions of the Bylaws will prevail.

Section 1: Manner of Filing a Complaint

A Complainant (the “Grievant”) shall file any complaint with the Ethics Committee. For administrative purposes, a complaint shall be delivered to the USATT Chief Operating Officer. The Chief Operating Officer will then forward the complaint to the USATT Ethics Committee within 48 hours (if practical) of receipt of the complaint. The Grievant shall set forth in the Complaint, in clear and concise language, the following:

- A. The name of the party filing the Grievance (the “Grievant”), including identifying membership information;
- B. The Grievant’s address, telephone number and email address;
- C. The name of the party against whom the Grievance is brought (the “Respondent”), including identifying membership information of available;
- D. The Respondent’s address, telephone number and email address, if known;
- E. The name, address, email address and telephone numbers of any other party involved;
- F. The USATT Bylaw, rule, or code of conduct allegedly violated;
- G. A statement of facts explaining the alleged violation, including all relevant dates;
- H. A statement as to whether the Grievant has attempted to resolve the matter and a description of the specific actions the Grievant took to resolve the matter; and
- I. The action the Grievant wishes taken.

The Grievant may attach supporting documentation to the complaint.

Report complaint to USATT Compliance Officer: Mark Thompson (Mark.Thompson@usatt.org).

Section 2: Processing of Complaint by Ethics Committee Chair

- A. The Ethics Committee Chair reviews the complaint after it has been filed to determine:
 - 1. Whether the allegations, if accepted as true, establish a violation of USATT bylaw or rules;
 - 2. Whether the complaint complies with the Bylaws;
 - 3. Whether the Ethics Committee has the authority to grant the relief requested.

B. If the Ethics Committee Chair determines that the complaint complies with all applicable requirements, the Ethics Committee Chair shall, within two weeks of receipt of the complaint:

1. Notify the Grievant, the Respondent, and the USATT Board of Directors' Chair of the complaint;
2. Forward a copy of the complaint and any attachments to the Respondent(s) at the Respondent's last known address or the address maintained in the USATT database or to the Respondent's representative, if such representative is known to USATT. The Respondent will be sent the complaint and supporting documents via mail and email. This will constitute "notice". The person responsible for sending the documents to the Respondent must use any expeditious delivery system that provides reasonable evidence of delivery to the addressee, which will constitute proof that notice of the Grievance was given to the Respondent; and
3. After consultation with the other members of the Ethics Committee, appoint a Hearing Panel and forward the complaint to each panel member.

C. If the Ethics Committee Chair determines that the complaint does not comply with all applicable requirements, the Ethics Committee Chair must notify the Grievant. The notice must be in writing and explain the basis for the decision. The notice must be sent by any expeditious delivery system that provides reasonable evidence of delivery to the addressee, within two weeks of receipt of the complaint. The Grievant shall have no more than two weeks from receipt of such notice to amend the complaint so that it complies with applicable requirements.

Section 3: Hearing Panel

The Hearing Panel shall consist of three (3) conflict-free and disinterested individuals. The Ethics Committee Chair shall also appoint a chair ("Hearing Panel chair") of the Hearing Panel from among the three (3) individuals appointed. In the case where it is determined that the Ethics Committee is conflict free and disinterested individuals to the case at hand, the Ethics Committee may serve as the Hearing Panel. The Hearing Panel shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The Ethics Committee Chair shall forward to the Hearing Panel all materials received from the Grievant, and the Hearing Panel shall forward the materials to the Respondent with a copy of these procedures.

The Ethics Committee Chair must advise the Grievant, Respondent, the USATT Chair, and the USATT Chief Executive Officer of the names of the Hearing Panel members promptly upon their appointment. Such notice may be verbal but must be promptly confirmed in writing. The Grievant or the Respondent may request the replacement of a Hearing Panel member. Such a request may be made solely on the basis of an alleged conflict of interest. The request must be in writing and delivered to the Ethics Committee Chair within 10 days of receipt of the names of the Hearing Panel members. The request must specify the basis for the request and provide all evidence supporting the request. The Ethics Committee Chair must, within five days of receipt of a request for removal, determine whether to grant the request and must notify the Grievant and the Respondent of the ruling. If the Ethics Committee Chair finds a conflict of interest, the Ethics Committee Chair must appoint a replacement. The Ethics Committee Chair's decision is final, binding, and may not be appealed under the bylaws and rules of USATT.

Section 4: Conduct of the Proceeding

- A. The Respondent shall have 21 days to prepare a defense and to file an Answer to the Grievance, which Answer may explain any reason why the Hearing Panel should not grant relief.
- B. Upon receipt of the Answer, or after the expiration of the time for filing an Answer (if no Answer is filed) the Hearing Panel Chair, after consultation with the parties, shall determine if the hearing will be conducted by writing, telephone conference, in person, Zoom (or similar service) or any combination thereof. The hearing or completion of the investigation must occur within 90 days of the filing of the Answer unless the Hearing Panel chair decides that there are reasonable grounds for a delay, grants a reasonable delay, and notifies the parties of the delay in writing as well as the reasons for the delay. This time limit shall not be construed as jurisdictional.
- C. The Grievant and Respondent may represent themselves or may be represented by a person of their choice.
- D. The Ethics Committee Chair will provide the Grievant, the Respondent and the Hearing Panel members with written hearing procedures and guidelines to be followed, including but not limited to reasonable deadlines for the identification of witnesses, exhibits, and written arguments (if any) in advance of the hearing.
- E. All communications with the Hearing Panel must be in writing and directed to the chair of the Hearing Panel with a copy to the opposing party. There shall be no ex parte communications with the chair or the members of the Hearing Panel.
- F. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceeding at any time. All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument.
- G. All testimony shall be taken under oath.
- H. The Hearing Panel chair must ensure that a record of the hearing is made.
- I. The Grievant has the burden of proof by a preponderance of the evidence.
- J. Within 20 days of the conclusion of a hearing, the Hearing Panel must issue a written decision including findings of fact, the Bylaws or rules upon which the decision is based and the reasoning behind the decision. A decision shall be determined by a majority of the Hearing Panel. The decision must be sent to the Grievant, Respondent, the Ethics Committee Chair, the USATT Chair, and the USATT Chief Executive Officer by any expeditious delivery system that provides reasonable evidence of delivery.
- K. The jurisdiction of the Hearing Panel ceases, and Hearing Panel members shall be discharged when the written decision is issued.

Section 5: Anti-Retaliation

It is the responsibility of every member to honor the Grievance Procedures, to cooperate in any investigation or hearing, and not to retaliate against person involved in the grievance process.

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