

# USA BOXING

## GRIEVANCE and COMPLAINT POLICY

### 1. GENERAL

At its discretion, USA Boxing may censure, suspend for a definite period of time with or without terms of probation, indefinitely suspend, or expel any member of USA Boxing, who has violated any of the rules/regulations or Bylaws of USA Boxing, or its LBC's, or any member who aids, abets, or encourages another member to violate any of the rules/regulations or Bylaws of USA Boxing or said LBC, or who has acted in a manner, which brings disrepute upon USA Boxing, any LBC, or upon the sport of amateur boxing. USA Boxing shall also have the discretionary power to order such relief as it deems appropriate (i.e. letter of apology or restitution, anger management counseling, or costs of the action). USA Boxing may also conduct hearings on any matter affecting USA Boxing as the national governing body for amateur boxing.

### 2. DESIGNATION OF COMPLAINTS

- A. ***Grievances administered at the LBC Level.*** All grievances shall be filed with the President of the LBC where the alleged violation(s) occurred except those that pertain to grievances administered at the National level as set out below. The LBC President, upon receipt of a filed grievance, shall forward a copy of the grievance and all accompanying documents to USA Boxing.
- B. ***Grievances administered at the National Level.*** Grievances and complaints that pertain to Competition Eligibility, Ted Stevens Olympic and Amateur Sports Act or are filed by Group Members as well as issues involving the leadership of an LBC, and grievances and complaints filed by USA Boxing itself, will be filed with the National Judicial Committee. (Filing address: USA Boxing, 1 Olympic Plaza, Colorado Springs, CO 80909, Fax: 719-866-2132). The USA Boxing Judicial Committee reserves the right to adopt any grievance filed with the LBC at any stage of the process.
- C. ***Competition Eligibility.*** Any USAB member athlete, coach, trainer, manager, administrator or official who believes that he/she is being (or has been) denied, or threatened with denial, of the opportunity to compete in the Olympic or Pan American Games, World Championship competitions or such other USAB-sanctioned events, may file a "Competition Eligibility" complaint.
- D. ***Ted Stevens Olympic and Amateur Sports Act.*** USA Boxing or any member of USA Boxing may file a complaint pertaining to any provision of the Ted Stevens Olympic and Amateur Sports Act pertaining to USA Boxing as the national governing body for amateur boxing. Complaints of this nature will be administered by the USA Boxing Judicial Committee.  
(Please note: The filing and adjudication of a "Competition Eligibility" grievance under Section 2.C above is a prerequisite to pursuit of any claim

under Section 9 of the USOC Bylaws concerning an alleged violation of an athlete or other participant's right to compete in protected competitions.

**E. *Criminal Conduct by Certain Classes of Licensees.***

1. Whenever it comes to the attention of the Executive Director that a USAB member or licensed USAB official or coach is charged by indictment or otherwise in any court with a crime involving (i) theft, dishonesty, or moral turpitude, or (ii) unlawful sexual acts, or (iii) the unlawful use, possession, manufacture, or sale of narcotics or other drugs, or firearms; then, upon learning of the pending criminal case, the Executive Director may seek an expedited Hearing during which a temporary suspension of membership may be imposed. A full Hearing to determine whether a non-temporary suspension should be imposed shall be held at a later date.
2. There shall be no appeal of an interim suspension made under this Section 6.4, excepting an alleged error of identity, *i.e.*, the suspended person asserts he or she is not the defendant named in the criminal action. Any such Hearing shall be conducted in accordance with Article 3 of this Policy.

### **3. STATUTE OF LIMITATIONS**

A complaint shall be filed within NINETY (90) days of the date on which the complainant discovers or in the exercise of reasonable diligence should have discovered the facts underlying the alleged violation, grievance, denial or threat to deny. With respect to claims brought by USA Boxing itself, such claims shall be brought not later than ninety days after USA Boxing has actual knowledge of such facts, and no rule of constrictive knowledge or imputed knowledge shall apply to determine the commencement of this period.

### **4. MANNER OF FILING**

- A. All grievances designated in Section 2 A of this policy shall be filed with the President of the LBC where the alleged violation(s) occurred. The complaint shall set forth in clear and concise language in NUMBERED paragraphs:
  1. The alleged violation, grievance, denial or threat to deny, including the date(s) of the alleged violation
  2. The specific bylaw or rule alleged to be violated
  3. The remedy requested.
  4. The complainant shall sign the complaint, send it to the LBC President with the filing fee, send a copy of the complaint to the respondent(s), and send a copy to USA Boxing (1 Olympic Plaza, Colorado Springs, CO 80909).

**B. Grievances designated in Section 2 B-D of this policy shall be filed with the USA Boxing Judicial Committee. The complaint shall set forth in clear and concise language in NUMBERED paragraphs:**

- 1. The alleged violation, grievance, denial or threat to deny, including the date(s) of the alleged violation**
- 2. The specific bylaw or rule alleged to be violated**
- 3. The remedy requested.**
- 4. The complainant shall sign the complaint, send it to the USA Boxing Judicial Committee (1 Olympic Plaza, Colorado Springs, CO 80909) with the filing fee and send a copy of the complaint to the respondent(s).**

**C. No grievance shall be dismissed for failing to satisfy the Statute of Limitations above based on any technical deviation from the filing requirements of 4.A or 4.B so long as the actual filing provides sufficient notice of the nature and facts underlying the grievance for the defending party to understand the nature of the grievance.**

## **5. FILING FEE**

Complaints designated in Section 2 A of this policy shall be accompanied with a \$100 filing fee. Complaints designated in Sections 2 B-D of this policy shall be accompanied with a \$200 filing fee. All complaints filed by individuals, an LBC, club or group member shall be accompanied with the appropriate filing fee, except that USA Boxing is not required to pay a filing fee. An individual complainant may request that the filing fee be reduced or waived for reasons of significant financial hardship. That request must be made in writing at the time the complainant files the complaint, and the Judicial Committee may require the complainant to provide proof of indigence. If a proper written request is made, the Judicial Committee shall determine whether or not to reduce or waive the filing fee.

The Judicial Committee shall not consider a complaint filed for purposes of the Statute of Limitations unless the complaint is accompanied by the filing fee or the written request for a waiver or reduction.

The filing fee will be returned if the grievance is upheld by the hearing board.

## **6. LIMITATIONS ON APPLICABILITY OF POLICY**

**A. *Items Not Subject to this Policy.*** The following matters shall not be subject to adjudication under this Policy, and no claims or actions may be brought involving the following:

- 1. The final decision of a referee during a USAB-sanctioned event involving a field of play decision (namely, a matter set forth in the rules of the competition to be within the discretion of the referee) shall not be reviewable**

through the procedures for, or the subject of, this Policy unless the decision is: (i) outside the authority of the referee to make, or (ii) the product of fraud, corruption, partiality, misapplication of a rule of USAB, the USOC or AIBA, or other serious misconduct of the referee.

2. Claims involving specific action(s) or inaction(s) by the Board of Directors or the Executive Director involving corporate actions, or the direction and/or management of USAB.
3. Claims involving employment matters and/or contractual relationships with USAB.
4. Claims of misconduct or error on the part of USADA and/or WADA personnel, or laboratories utilized by either USADA or WADA; or otherwise arising from or related to the imposition of discipline (or failure to impose discipline) for any actual or alleged doping offense(s).
5. Claims against USAB or a member of USAB that do not involve violations of rules, policies or Bylaws of USAB, AIBA or the USOC.

## **7. ADMINISTRATION**

The Judicial Committee shall generally administer and oversee all grievances filed with the LBC and USA Boxing. For all grievances adjudicated by the LBCs and the USA Boxing Judicial Committee, these hearing bodies shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The Judicial Committee may promulgate procedures in addition to those set forth in this Policy for the effective administration of complaints filed with USA Boxing.

## **8. HEARINGS**

- A. *Hearing Panel.* After the filing of a complaint, the chair of the Judicial Committee, after consultation with the other Committee members, shall appoint a hearing panel consisting of three (3) individuals to hear the complaint. The Judicial Committee shall also appoint a chair of the hearing panel. Judicial Committee members may be appointed to and serve on the hearing panel. Other disinterested individuals identified by the Judicial Committee may also be appointed to and serve on the hearing panel. At least one (1) member of the hearing panel shall be an athlete who is qualified to serve in this capacity under Section 8.8.1 of the USOC Bylaws, and the Judicial Committee may appoint multiple athletes to its committee to ensure the availability of one per hearing. Members of the panel need not be members of USA Boxing or involved in the sport of boxing.

For hearings conducted by the LBC, the LBC Board of Directors shall be considered the Judicial Committee and the President of the LBC shall be the chair of the Committee.

- B. *Manner of Hearing.* The Chair will conduct the Hearing in person, by telephonic conference call, video conference or other similar electronic means whereby all parties participating may hear each other during the Hearing. The Chair will communicate information about the Hearing schedule to the Executive Director and all interested parties. No party shall be entitled to an in-person Hearing; rather, all Hearings shall be by telephonic or video conference unless the panel, in its sole discretion, determines an in-person Hearing is required.
- C. *Impartial Panel.* If any party with a direct interest in the outcome believes that a Hearing Panel member is neither disinterested nor impartial, that party may challenge the participation of that Hearing Panel member to the Hearing Panel Chair. The Hearing Panel member in question shall thereafter be presented with the challenge and may, upon review, recuse him/herself. If the Hearing Panel member in question does not recuse himself or herself, then the Hearing Panel Chair shall review the objection and comments, if any, of the Hearing Panel member in question. If the Hearing Panel Chair determines in his or her sole discretion that the Hearing Panel member's service on the Hearing Panel may pose an appearance of impropriety, he or she may replace that member.
- D. *Documents Provided to Panel.* Prior to the Hearing, USA Boxing will provide to each member of the Hearing Panel a copy of each of the following documents: (i) the Grievance; (ii) all attachments to the Grievance, if any; (iii) any written response or other materials previously submitted by the Respondent(s), if any; and (iv) any relevant documents in the possession of USAB.
- E. *Minimum Standards.* The procedures to be followed at the Hearing shall, at a minimum, include the opportunity for each party to (i) be represented by counsel, (ii) present oral or written evidence, (iii) cross-examine witnesses, and (iv) present such factual or legal claims as may be relevant to their respective claim(s) or defense(s).
- F. *Recording the Hearing.* Any party to a Hearing may cause the Hearing to be stenographical reported or electronically recorded. The cost thereof shall be borne by the party requesting the recordation, and the nature of the recording process shall be announced on the record at the beginning of the Hearing. The recording or transcript shall be made available to every other party upon reimbursement of a pro rata share of the recording and transcription expense, and to USA Boxing and the Hearing Panel at no cost. No person may secretly record a Hearing, or cause a Hearing to be secretly recorded, in any form.
- G. *Burden of Proof.* In the conduct of a Grievance Hearing, the burden shall be upon the Grievant to prove the allegations of the Grievance by a preponderance of the evidence.

- H. *Decision of the Panel.* Decisions on the merits of the Grievance and the form of remedies, including the nature and extent of discipline, shall be determined by a majority vote of the Hearing Panel. The Hearing Panel shall report its decision on the merits in writing within twenty (20) business days of the conclusion of the Hearing. LBC Hearing Panels shall distribute the decision to all parties and provide a copy to USA Boxing. USA Boxing Judicial Committee decisions shall be sent to USA Boxing, who shall forthwith provide a copy in writing to all parties. However, where time is of the essence, the Hearing Panel may issue its decision orally, to be followed by a written decision.
- I. *Legal Fees.* Every party has the right to be represented by an attorney or other representative of his or her own selection in any proceeding under this Policy. However, each party shall pay his/her/its own legal and/or representation fees in all proceedings under this Policy, and in any and all subsequent related proceedings, including arbitration, in those limited circumstances in which further proceedings are authorized by law. The Hearing Panel shall have the authority to award attorneys' fees as part of any remedy.
- J. *Conduct of the Proceeding.* The Hearing Panel shall rule on all motions and other matters raised in the proceeding. If the complaint is not dismissed, the hearing panel shall hold a hearing on the complaint. The hearing panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The hearing shall be informal, except that testimony shall be taken under oath. No formal rules of evidence shall apply to proceedings of the Judicial Committee, except that the Judicial Committee shall have the discretion to exclude any evidence that it determines is unreliable, immaterial, irrelevant, or that should be excluded for any other reason.

## **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 Judicial Committee is authorized to order that the complaint be heard and decided within forty-eight (48) hours, or in whatever expedited timeline would be fair under the circumstances 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.

## **10. APPEALS**

- A. *Appeals on Grievances administered at the LBC level.* If either party wishes to appeal a decision of an LBC Hearing Panel, that party may appeal the decision to

the USA Boxing Judicial Committee. The Judicial Committee shall administer and oversee the appeal process in accordance with this Policy. The Chair of the Judicial Committee shall appoint three (3) disinterested and impartial individuals as an Appeals Panel (the “Appeals Panel”), one (1) of whom shall chair the Appeals Panel, to review and make a determination on the appeal.

1. *Appeal Procedures.* Each appeal to the USA Boxing Judicial Committee shall be instituted by a written petition served upon USA Boxing and shall be accompanied by a \$100 filing fee payable to USAB. The filing fee will be returned if the appeal is upheld by the USA Boxing Judicial Committee.
  - a. Any appeal must be filed within thirty (30) days of the date of the decision that is being appealed.
  - b. The petition shall set forth the grounds for appeal, citing factual and legal issues in as much detail as possible.
  - c. USA Boxing, upon receipt of the appeal petition, shall send a copy of the petition to the parties and to the Chair of the USA Boxing Judicial Committee. The Chair of the USA Boxing Judicial Committee shall have the power and authority to deny or reject an appeal when, in his or her determination, the appeal was not filed in a timely manner and/or was not filed by a party in interest.
  - d. The respondent shall, within twenty-one (21) days following receipt of the petition, file a written response to the petition to USA Boxing. The written response shall be filed with USA Boxing, the opposing party(ies) and the Chair of the USA Boxing Judicial Committee. The Chair of the Judicial Committee may decrease or increase the time limits for any of the foregoing upon request of either party and if circumstances should warrant it.
1. *Standard of Review.* The standard of review on appeal shall be whether the LBC Hearing Panel (i) committed a clear error or (ii) acted in an arbitrary and capricious manner in its ruling or (iii) issued a ruling not supported by substantial evidence or (iv) was unable to consider material, new evidence that the proponent could not reasonably have introduced before the LBC. An appeal to the USA Boxing Judicial Committee shall be on the basis of the record of the LBC Hearing Panel and the written briefs filed with the Hearing Panel, unless the USA Boxing Judicial Committee, in its discretion, orders a *de novo* Hearing. In the event the USA Boxing Judicial Committee orders a *de novo* Hearing, the Hearing procedure shall be as set forth in Section 8 of this Policy, except that the Hearing will be conducted by the Judicial Committee instead of the Hearing Panel.

- a. The USA Boxing Judicial Committee will then conduct a review of the parties' submissions, the original hearing decision and record of the proceeding and within twenty (20) business days issue a written decision affirming, modifying, remanding or reversing the decision of the hearing panel.
- b. Any appeal from the decision rendered by the USA Boxing Judicial Committee would be submitted for binding arbitration.

**B. *Appeals on Grievances administered at the National level.*** If either party wishes to appeal a decision of the USA Boxing Judicial Committee, that party may appeal the decision to the USA Boxing Appeals Committee. The Appeals Committee shall administer and oversee the appeal process in accordance with this Policy. The Chair of the Appeals Committee shall appoint three (3) disinterested and impartial individuals as an Appeals Panel (the "Appeals Panel"), one (1) of whom shall chair the Appeals Panel, to review and make a determination on the appeal.

**2. *Appeal Procedures.*** Each appeal to the Appeals Committee shall be instituted by a written petition served upon USA Boxing and shall be accompanied by a \$500 filing fee payable to USAB. The filing fee shall be returned if the appeal is upheld by the Appeals Committee.

- a. Any appeal must be filed within thirty (30) days of the date of the decision that is being appealed.
- b. The petition shall set forth the grounds for appeal, citing factual and legal issues in as much detail as possible.
- c. USA Boxing, upon receipt of the appeal petition, shall send a copy of the petition to the parties and to the Chair of the Appeals Committee. The Chair of the Appeals Committee shall have the power and authority to deny or reject an appeal when, in his or her determination, the appeal was not filed in a timely manner and/or was not filed by a party in interest.
- d. The respondent shall, within twenty-one (21) days following receipt of the petition, file a written response to the petition to USA Boxing. The written response shall be filed with USA Boxing, the opposing party(ies) and the Chair of the Appeals Committee. The Chair of the Appeals Committee may decrease or increase the time limits for any of the foregoing upon request of either party and if circumstances should warrant it.

**3. *Standard of Review.*** The standard of review on appeal shall be whether the USA Boxing Judicial Hearing Panel (i) committed a clear error or (ii) acted in an arbitrary and capricious manner in its ruling or (iii) issued a ruling not supported by substantial evidence or (iv) was unable to consider material, new evidence that the proponent could not reasonably have introduced before the



USA Boxing Judicial Committee. An appeal to the Appeals Committee shall be on the basis of the record of the USA Boxing Judicial Hearing Panel and the written briefs filed with the Hearing Panel, unless the Appeals Panel, in its discretion, orders a *de novo* Hearing. In the event the Appeals Panel orders a *de novo* Hearing, the Hearing procedure shall be as set forth in Section 8 of this Policy, except that the Hearing will be conducted by the Appeals Panel instead of the Hearing Panel.

- a. The Appeals Committee will then conduct a review of the parties' submissions, the original hearing decision and record of the proceeding and issue a written decision affirming, modifying, remanding or reversing the decision of the hearing panel.
- b. Any appeal from the decision rendered by the Appeals Committee would be submitted for binding arbitration.

## **11. INDEMNIFICATION**

Should the final decision on a grievance require USA Boxing to provide restitution or other monetary compensation to any person or entity as a result of the acts or omissions of any member, including but not limited to any LBC or group member, that party shall indemnify USA Boxing for the entire amount of the restitution or other monetary compensation.

## **12. JURISDICTION & COOPERATION**

Any member of USA Boxing, by reason of their membership, agrees to be subject to these complaint procedures and agrees to be bound by any decision rendered pursuant to these complaint procedures. further, all members have a duty to fully cooperate with the Judicial and Appeals Committees, including the prompt response to requests and inquiries, and agreement to appear at hearings, via phone, video conference or in person.

## **13. NOTICE BY MAIL**

For all matters of written communications relative to these complaint procedures, service by U.S. Mail to the last known address of the recipient shall be considered actual notice.

8/2015