

GAMES HEARING PANEL PROCEDURES

These Games Hearing Panel Procedures will apply to any matter that comes before the Trials & Delegation Event Hearing Panel or Athlete Safety Panel (collectively, “Panel”) during the Olympic or Paralympic Games and will work in conjunction with the USOPC Dispute Resolution Policy, USOPC Dispute Resolution Procedures, and USOPC Athlete Safety Policy. If there is any irreconcilable conflict between these procedures and the USOPC Dispute Resolution Policy, USOPC Dispute Resolution Procedures, or USOPC Athlete Safety Policy, the latter documents shall prevail.

Section 1: Request for a Hearing

An individual who receives a Notice Letter that contains,

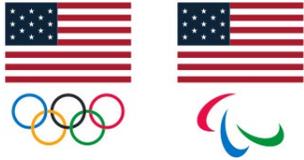
1. a proposed sanction other than a warning or probation following an investigation conducted in accordance with Section 3.2(A) of the USOPC Dispute Resolution Procedures

or

2. a USOPC Athlete Safety Policy Decision or Temporary Measure that a respondent is permitted to request a hearing for

can challenge the USOPC’s findings, proposed sanction, Decision, and/or Temporary Measure by emailing the Dispute Resolution Unit (dru@usopc.org) the below information within the prescribed deadline set out in Article 4.2 of the USOPC Dispute Resolution Procedures:

- A copy of the Notice Letter
- The individual’s desire to request a hearing and whether the hearing needs to be expedited
- A statement clarifying whether the individual is challenging the USOPC’s findings, proposed sanction, Decision, and/or Temporary Measure
- A brief statement of facts (if not already in the Notice Letter)
- Any preliminary relief sought
- Request for alternate relief (i.e., different than the one proposed in the Notice Letter)



Section 2: Administrative Review & Hearing Panel Appointment

Upon receipt of a request for a hearing, the Dispute Resolution Unit will administratively review the application to ensure the submission includes all the requirements listed in Section 1 above. If all the elements of Section 1 are present, the Dispute Resolution Unit will then appoint the Panel in accordance with the USOPC Dispute Resolution Procedures. Each Panel member must then sign the necessary oath and disclosure forms.

If the submission is missing any of the requirements listed in Section 1 above, the Dispute Resolution Unit will notify the individual of the deficiencies in their filing and give the individual a one-time-only short deadline to correct their submission. If the individual fails to fix their submission within the deadline, the DRU will close the matter and immediately notify the individual.

Section 3: Objection to Hearing Panel Member

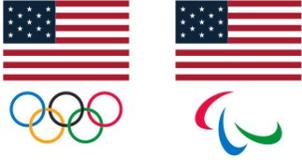
A Party may object to the appointment of a Panel member on the grounds of bias, conflict of interest, or other grounds that the Party believes make the Panel member unable to be impartial. The objection can be made by emailing the Dispute Resolution Unit at dru@usopc.org and stating the basis for the objection. The Dispute Resolution Unit will review any potential grounds for removing the Panel member and then make a decision promptly about the objection. If the Panel member is removed or otherwise unavailable to serve, the Dispute Resolution Unit may work with that Panel member to find an alternate or it may simply choose the replacement itself.

Section 4: Informal Resolution

Even after a request for a hearing is filed pursuant to Section 1, the Parties may still informally resolve the matter at any point before the Panel renders its decision.

Section 5: Consolidation

If multiple individuals file requests for hearings with the Dispute Resolution Unit, the Dispute Resolution Unit may, in its sole discretion, decide to consolidate the matters after



taking into account all the circumstances, including the relation and similarity between the cases as well as the procedural status of each case.

Section 6: Representation

The Parties may be represented or assisted by any person of their choice insofar as the circumstances and relevant rules permit. The Parties must provide the Dispute Resolution Unit with the names, addresses, telephone numbers, and email addresses of those who will be representing or assisting them.

Section 7: Notifications and Communications

All notifications and communications from the Panel will be by email. Similarly, all notifications and communications that the Parties wish to send to the Panel must be sent by email to the Dispute Resolution Unit (dru@usopc.org).

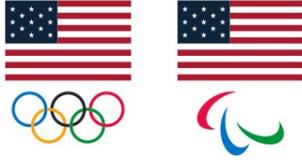
Section 8: Procedural Discretion

The Panel has sole discretion to organize the procedure and any proceedings as it sees fit while taking into account the specific needs and circumstances of the case as well as the interests of the Parties (in particular, their right to be heard).

Section 9: Right to be Heard

It will be up to the Panel to decide whether an oral hearing on the merits will be conducted, and if so, when such a hearing will be held. Unless the Panel orders otherwise, the hearing will be held by video conference or by telephone conference. At the hearing, the Panel shall hear the Parties and take all appropriate action with respect to evidence. The Parties must introduce at the hearing all the evidence they intend to rely on and produce any witnesses they want to testify.

If the Panel decides not to hold an oral hearing on the merits, it will render an award based on written submissions.



Section 10: Evidence

Before or during the hearing (if one is ordered), the Panel has the discretion to decide whether to admit or exclude evidence offered by the Parties and assess the weight of the evidence as it sees fit. The Panel may at any time take any appropriate action with respect to evidence. In particular, it may appoint an expert and order the production of documents, information, or any other evidence.

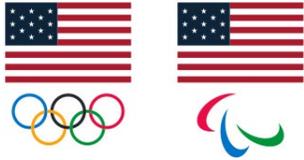
If, after the conclusion of the hearing but before the award is issued, a Party requests an opportunity to introduce additional evidence which, for legitimate reasons, was not able to be produced at the hearing, the Panel may permit such introduction to the extent necessary to resolve the dispute as long as it ensures that both Parties have a full and fair hearing process. Just as it did during the hearing, the Panel has the discretion to decide whether to admit or exclude such new evidence offered by the Parties, assess the weight of the new evidence as it sees fit, appoint an expert, and order the production of documents, information, or any other evidence in response to the new evidence. The Panel shall inform the Parties accordingly.

Section 11: Failing to Appear

If any Party fails to appear at the hearing or to comply with injunctions, summonses, or other communications issued by the Panel, the Panel may nevertheless proceed and give any inference to such appearance or compliance failure that the Panel deems appropriate.

Section 12: Panel's Power to Review

A hearing on the merits will be a *de novo* review, meaning the Panel shall have full power to review the facts and the law (including any relevant codes, rules, or policies) without deference to any initial findings, decisions, or proposed sanction(s), except where the Parties agree to such findings, decisions, or proposed sanction(s).



Section 13: Law Applicable

The Panel shall rule on the dispute pursuant to the applicable regulations, general principles of law, and the rules of law, the application of which it deems appropriate.

Section 14: Decision-Making Authority

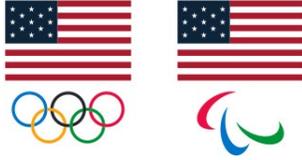
Decisions are taken by a majority of the Panel. The award shall contain the reasons and be written, dated, and signed by at least one Panel member. It shall be communicated to the Parties immediately. The Panel may decide to communicate the operative portion of the award prior to the reasons (if this is done, then the award is final from the time of such operative communication).

Section 15: Postponing the Proceedings

Taking into account all the circumstances of the case, including the claimant's or respondent's request for relief, the nature and complexity of the dispute, the urgency of its resolution, the extent of the evidence required and of the legal issues to be resolved, the Parties' right to be heard, and the state of the record at the end of the proceedings, the Panel may either make a final award or decide to postpone the proceedings until such later time as the Panel deems appropriate. The Panel may also make an award on part of the dispute and postpone deciding on the unresolved part until such later time as is necessary.

Section 16: Preliminary Relief

If the Panel postpones the proceedings, the Panel may, even where the Parties have made no application to that effect, grant preliminary relief which will remain in effect until the Panel decides otherwise during the subsequent hearing or resumption of the hearing procedures.



United States
Olympic & Paralympic
Committee

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Colorado Springs, CO 80909

Section 17: Enforceability

The hearing panel's decision is enforceable immediately. As described in Section 6 of the USOPC Dispute Resolution Procedures, there is no right to appeal a Trials & Delegation Events matter, but an individual may appeal a USOPC Athlete Safety matter.

Section 18: Costs

The facilities and services of the Panel, including the provision of Panel members, are free of charge. However, the Parties shall pay their own costs of legal representation, experts, witnesses, and interpreters.

Section 19: Reopening a Matter

At any time prior to the decision being appealed, the Panel – on its own or at the request of a claimant or respondent – may reopen a matter based upon new evidence that was previously unavailable prior to the award being issued or a change in circumstances that could substantially impact the original finding or sanction. Whether to reopen a case is within the Panel's sole discretion and is not reviewable or otherwise appealable.