

A large American flag is the central focus, held high by a group of people in blue uniforms. The flag is illuminated from the side, creating a strong glow. In the foreground, the silhouettes of a crowd of people are visible, some looking towards the flag. One person in the crowd has "USA" written on their back. The background is dark, making the flag and the people holding it stand out.

Dispute Resolution Hearing Procedures

effective August 31, 2023

US Olympic and Paralympic Committee Procedures

Table of Contents

General Purpose & Statement	5
Section 1: Overview, Scope & General Provisions	6
Section 1.1: Applicability & Scope	6
A. Disciplinary Actions	6
B. IMS Code of Conduct Complaints	6
C. IMS Administrative Complaints	6
D. IMS Opportunity to Participate Complaints	6
E. Background Check Reviews	7
Section 1.2: Exclusions	7
A. Anti-Doping Violations	7
B. SafeSport Violations	7
C. Field of Play Decisions	7
D. Start Rights	7
E. NGB Selection Procedures	7
F. Paralympic Classification	7
G. Complaints Under the USOPC Bylaws	7
H. Competition Results	7
I. Medical	7
J. Participation Agreements	8
K. Warnings, Probation or Restrictive Temporary Measures	8
L. Employment Concerns	8
M. USOPC Non-Compliance	8
Section 1.3: Jurisdiction	9
Section 1.4: Definitions	10
Section 1.5: Informal Resolution	11
Section 1.6: Formal Mediation	11
Section 1.7: Non-Retaliation	11
Section 1.8: Representative	11
Section 1.9: Conduct of Parties	11-12
Section 1.10: Resources	12
A. DRU	12

US Olympic and Paralympic Committee Procedures

B. Ethics and Compliance	12
C. Legal Aid	12
D. Mental Health	12
E. Office of the Athlete Ombuds	12
Section 2: Disciplinary Actions	13
Section 2.1: Reporting Possible Violations of the Rules	13
Section 2.2: Rules Enforcement	13
Section 2.3: Temporary Measures	13
Section 2.4: USOPC Pursuing Action	13
Section 2.5: USOPC Declining to Pursue a Case	13-14
Section 3: Background Check Review Hearings.....	15
Section 3.1: Scope and Conduct of Proceeding	15
Section 4: Filing a Complaint and Pre-Hearing Process	16
Section 4.1: Filing a Formal Complaint	16
A. Submission of Complaint	16
B. Filing Fee	16
C. Information Requirements	16
D. Opportunity to Participate Complaints	16
E. Time Limits	17
F. Filing Requirements	17
G. Consolidation	17
Section 4.2: Request for a Hearing	17-18
Section 4.3: Panel	18
A. Appointment of Hearing Panel	18
B. Hearing Panel Composition	18
C. Disclosures	19
D. Objection to Hearing Panel Member	19
E. Vacancies	19
Section 4.4: Timing for Hearing	19
Section 4.5: Notice of Complaint	19
Section 4.6: Answer or Position Statements	19-20
Section 4.7: Exchange of Information	20

US Olympic and Paralympic Committee Procedures

Section 4.8: Motion to Dismiss	20
Section 5: General Hearing Procedures & Conduct	21
Section 5.1: Conduct of Proceeding	21
A. Oral Argument Hearing	21
B. Preliminary Conference	21
C. Temporary Measures Hearing	21
D. Expedited Hearing	22
E. Hearing on the Merits	22
Section 5.2: Recording of Proceeding	23
Section 5.3: Burden of Proof/Standard of Review	23
Section 5.4: Hearing Panel Considerations	23-24
Section 5.5: Decision	24
Section 5.6: Sanctions	24
Section 6: Appeals	25
Section 6.1: Appeal Rights	25
Section 6.2: Appeal Limitations	25
Section 6.3: Agreement to Arbitrate	25
Section 6.4: Burden of Proof/Standard of Review	26
Section 6.5: Arbitral Body	26
Section 7: Policy Administration	27
Section 7.1: Policy History	27

US Olympic and Paralympic Committee Procedures



Procedure Name: USOPC Dispute Resolution Hearing Procedures

Governing Policy: USOPC Dispute Resolution Policy

Publication Date: 10/17/2023

Policy Owner: USOPC Legal

Applies to: Athletes and other participants under the USOPC’s jurisdiction as specified in Section 3 of these Procedures

Purpose: The USOPC is committed to providing effective and efficient dispute resolution services for NGBs, athletes, and other participants for complaints that fall under the USOPC’s jurisdiction. To accomplish this, USOPC’S Dispute Resolution Unit (“DRU”) manages and administers the hearing process for complaints involving NGB non-compliance, athlete participation, Trials and Delegation events, NOC/NPC Events, Background Checks, USOPC Athlete Safety, Internally Managed Sports, among supporting other USOPC hearing processes and hearing/review panels.

Procedures Statement: These Procedures set forth how to file a complaint and what is contemplated during the hearing process for issues arising from:

- Trials and Delegation Events
- NOC/NPC Events
- Olympic & Paralympic Training Center Access
- Background Checks
- Athlete Safety
- Internally Managed Sports

These Procedures also set forth the administration services DRU provides through the complaint process.

US Olympic and Paralympic Committee Procedures

SECTION 1

OVERVIEW, SCOPE & GENERAL PROVISIONS

SECTION 1.1 APPLICABILITY & SCOPE

These Procedures apply to the following types of cases:

- A. Disciplinary Actions – disciplinary actions involve the USOPC enforcing its rules against a participant and include an alleged violation of any USOPC policy, rule or regulation that is required as a condition of participation by an individual who participates in an event or activity under the USOPC’s jurisdiction or is otherwise subject to the rules. This includes, but is not limited to:
 - i. Trials Rules (Demonstrations and Commercial)
 - ii. Games Rules including Demonstrations, Delegation Terms, and any rule incorporated into the Delegation Terms
 - iii. OPTC Handbook, including the OPTC Code of Conduct
 - iv. Athlete Safety Policy
 - v. Internally Managed Sports (“IMS”)¹ Code of Conduct and any sport-specific team rules
 - vi. Any other USOPC rules relating to behavior requirements
- B. IMS Code of Conduct Complaints – For complaints involving IMS when the USOPC does *not* pursue a report of an alleged misconduct, the reporting individual may file a **complaint** directly against the individual who allegedly violated the Code of Conduct. The reporting individual will need to bring forth the entire case on their own. To bring forth a case, the reporting individual must also be under the USOPC’s jurisdiction.
- C. IMS Administrative Complaints – A **complaint** against IMS for an alleged violation of any rule, regulation, policy, program, or service.
- D. IMS Opportunity to Participate Complaints – A **complaint** against the IMS for an 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 the sport. If the competition involves a Protected Competition, an individual can utilize these Procedures or can proceed directly through the process under Section 9 of the USOPC Bylaws with no exhaustion requirement.

¹ The USOPC is not a certified National Governing Body (“NGB”) for IMS but will substantially comply with the NGB requirements in the Ted Stevens Olympic and Amateur Sports Act (“the Act”) and the USOPC Bylaws as it relates to complaints.

US Olympic and Paralympic Committee Procedures

- E. Background Check Reviews – A review of a "Red Light" finding on a background check or self-disclosure of a criminal charge.²

SECTION 1.2 EXCLUSIONS

The following types of issues are not reviewable through, or subject to, these Procedures:

- A. Anti-Doping Violations – A matter or decision concerning an anti-doping violation being pursued by or adjudicated by the United States Anti-Doping Agency or any other signatory of the World Anti-Doping Agency.
- B. SafeSport Violations – A matter or decision concerning a SafeSport violation pursued or adjudicated by the U.S. Center for Safe Sport (the "Center") or adjudicated by an NGB prior to the existence of the Center.
- C. 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) 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" shall include any individual with discretion to make field of play decisions.
- D. Start Rights – A dispute concerning start rights at the Games or made by the sport during a competition (for IMS), unless the decision is the product of fraud, corruption, partiality or other misconduct of the person making the decision;
- E. NGB Selection Procedures – An athlete's selection, removal or replacement by the NGB (such matters may be resolved pursuant to the NGB's Complaint/Grievance Procedures or Section 9 of the USOPC Bylaws for Protected Competitions);
- F. Paralympic Classification – All Paralympic sport classification matters, disputes, protests, and appeals. These types of concerns will be handled in accordance with the classification rules of the respective sport International Federation (IF) and/or the International Paralympic Committee (IPC) Athlete Classification Code as applicable.
- G. Complaints Under the USOPC Bylaws – Complaints filed pursuant to the USOPC Bylaws under Sections 8, 9, 10 and 11. These types of complaints will be handled in accordance with the Dispute Resolution Policy found [here](#);
- H. Competition Results – An individual's finish result or medal award;
- I. Medical – A medical determination for injury or illness (made by a physician or other provider as approved by the USOPC/IMS, or through a verified test result) in the case of a medical issue of any kind;

² The USOPC Background Check Policy and Procedures will be revised in 2023 to remove the hearing requirements as moving forward they will be found in these Procedures. If there is any discrepancy between the Background Check Policy and Procedure and these Procedures, before the revisions in December of 2023, then the Background Check Policy and Procedure will remain the governing document.

US Olympic and Paralympic Committee Procedures

- J. Participation Agreements – Any participation agreement (which is an agreement setting out items that are required of athletes as a condition of participation in membership, events, teams, or programs, as applicable), unless there is no rational basis for a requirement within the agreement.
- K. Warnings, Probation or Restrictive Temporary Measures – A disciplinary matter in which a USOPC staff-level review results in a sanction of a warning, probation, or in USOPC Athlete Safety matters any restrictive temporary measure that does not result in loss of participation. If that warning or probation is taken into consideration in a later probable rule violation, then the individual has the right to contest the merits of any previous incident that only resulted in a warning or probation;
- L. Employment Concerns – Any issue concerning the conduct, disciplinary action, hiring or firing of any USOPC employee, contractor³, volunteer of the USOPC;
- M. USOPC Non-Compliance – Any issue, report or complaint filed against the USOPC for non-compliance with the Act and/or the USOPC Bylaws. These matters will be handled by the USOPC Compliance division. However, if the Compliance division is the subject of the complaint, then it will be referred to the Ethics and Compliance Committee. These matters can be filed through the Integrity Portal [here](#).

³ With the exception of Sports Medical and Internally Managed Sport (such as physical therapists, massage therapists, chiropractors, coaching and high-performance) contractors.

US Olympic and Paralympic Committee Procedures

SECTION 1.3. JURISDICTION

DRU carries out the USOPC's obligations with respect to resolving certain types of disputes pursuant to the Act and the USOPC Bylaws. Individuals with notice of and subject to the USOPC's bylaws, rules, or policies agree to be bound by these rules.

TYPE OF MATTER	INDIVIDUALS SUBJECT TO THESE PROCEDURES	FILING FEE
Trials Events	Any individual, including athletes, defined pursuant to the Trials Commercial Policy, competing in or working the event, or a person with access to athlete or restricted athlete areas	None
Delegation Events	Delegation members who have signed the USOPC Delegation Terms	None
NOC/NPC Events	Any individual, including athletes, competing in or working the event, or a person with access to athlete or restricted athlete areas	None
Athlete Safety	Participants, as defined in the Athlete Safety Policy	None
IMS – Administrative and Conduct	Athletes who have signed any National or Non-National Team Athlete Agreement and/or Code of Conduct and all individuals who take part in an officially designated IMS event or activity in which they have agreed to, acknowledged or have notice that they are subject to a Code of Conduct.	\$250.00
IMS – Opportunity to Participate	Individuals who participate in any officially designated IMS event or activity	\$250.00
OPTC Access	Any individual who accesses an OPTC	None
Background Check	Individuals as specified in the Background Check Policy	None

US Olympic and Paralympic Committee Procedures

SECTION 1.4 DEFINITIONS

- a. "Act" is the Ted Stevens Olympic and Amateur Sports Act, as amended.
- b. "Complainant" means the individual who files a complaint/grievance; or the USOPC when bringing a disciplinary action against an individual who is alleged to have experienced conduct that constitutes Prohibited Conduct in Athlete Safety matters.
- c. "Complaint" means a communication (verbal or written) that raises a concern or violation submitted pursuant to these procedures. Anyone can bring a complaint to the USOPC. Complaints will be considered informal until formally filed with the USOPC through DRU. Once a complaint is formally filed it will be considered a grievance. Complaints will be acknowledged, and a hearing panel will be promptly appointed to hear the case.
- d. "Delegation Event" and/or "Games" means, individually or collectively as applicable, the Olympic Games, the Olympic Winter Games, the Paralympic Games, the Paralympic Winter Games, the Pan American Games, and the Parapan American Games.
- e. "De novo" means deciding the issue without any reference to any legal conclusion, assumption or determination made previously.
- f. "DRU" means the USOPC Dispute Resolution Unit within USOPC Legal.
- g. "Emergency Case" means any case that arises during a Delegation/NOC/NPC Event in which a hearing needs to be held and a determination made the same day due to ongoing competition at an event.
- h. "Ex-parte" means communication with a hearing panel member about the proceeding without notice to, and outside the presence of, the other parties or the other party's attorney/advisor/representative.
- i. "Expedited Case" means any case that arises in which a hearing needs to be held within 48 hours due to an upcoming competition or entry deadline.
- j. "IMS" means a USOPC internally managed sport where there is no recognized or certified National Governing Body for that sport or discipline.
- k. "NOC/NPC Event" means a competition where athletes must be entered by the National Olympic Committee (NOC) or the National Paralympic Committee (NPC) and to which the USOPC officially sends an individual or group of individuals on behalf of the USOPC and/or the United States.
- l. "NGB" means a National Governing Body recognized and certified by the USOPC as set out in Section 8 of the USOPC Bylaws.
- m. "NGBOC" means the USOPC National Governing Bodies Oversight Committee.
- n. "OPTC" means an Olympic and Paralympic Training Center.
- o. "Procedures" means these USOPC Dispute Resolution Hearing Procedures.
- p. "Report" means an informal notification of alleged misconduct or rule violation.
- q. "Reporting Individual" means individual who is alleged to have experienced conduct that constitutes Prohibited Conduct in Athlete Safety matters and is defined as a Claimant in the Athlete Safety Policy.
- r. "Respondent" means the individual/entity defending against the alleged violation/complaint/grievance.
- s. "Standard case" means any case in which there is no competition or entry deadline that would cause the need for an immediate decision within a forty-eight-hour timeframe.
- t. "Temporary Measures" means an action/step that is immediately implemented based on the severity of the allegations, including whether the allegation could cause imminent harm to others or to property or is a probable violation of local laws, the evidentiary support for the allegations, and/or the perceived risk to athletes or the Olympic and Paralympic Movement.
- u. "USOPC" means the United States Olympic & Paralympic Committee.

US Olympic and Paralympic Committee Procedures

SECTION 1.5 INFORMAL RESOLUTION

The parties may engage in informal resolution efforts at any point prior to a decision being rendered. Any informal resolution reached will be in writing with no further right of review or appeal.

SECTION 1.6 FORMAL MEDIATION

The parties are encouraged to engage in formal mediation efforts in accordance with the arbitral body designated by the USOPC. Mediation can be a successful non-adversarial option to resolve the dispute without going to a hearing and can be done at any time during the process.

SECTION 1.7 NON-RETALIATION

Neither the USOPC nor any USOPC member, employee, athlete, coach, referee/official or board member shall retaliate, as defined in the Act, against an individual for the filing of a complaint or report under these Procedures. It shall constitute a violation of the USOPC Code of Conduct and Speak Up Policy and will be considered grounds for discipline to retaliate against any individual for filing a complaint.

Additionally, athletes are afforded certain protections against retaliation including that no employee, contractor, agent, volunteer, or member of the USOPC shall take or threaten action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

SECTION 1.8 REPRESENTATIVE

Any party to a proceeding under these Procedures may have a representative/advisor, who may be any person, including an attorney, present during such proceedings at their own expense.

SECTION 1.9 CONDUCT OF PARTIES

The parties must conduct themselves in a professional manner in the proceeding, including but not limited to, being:

- a. Able to act ethically with integrity, competence and respect for the hearing panel members, other parties, affected parties and the process;
- b. Empathetic towards athletes and minors;
- c. Fully prepared to pursue and/or defend the claims;
- d. Compliant with the appropriate rules, policies, and procedures;
- e. Able to act professionally and not act in a manner that is fraudulent, dishonest or misleading;
- f. Capable of not engaging in conduct that is prejudicial to the administration of the process or that projects bias towards a party and/or the hearing panel members;
- g. Diligently responsive to any requests made by the hearing panel and able to comply with all orders and deadlines; and

US Olympic and Paralympic Committee Procedures

- h. Understanding that the parties are stewards of the Olympic and Paralympic Movement and should conduct themselves appropriately.

SECTION 1.10 RESOURCES

- A. DRU – USOPC DRU oversees the administration of dispute resolution services for complaints under the USOPC’s jurisdiction and is part of USOPC Legal. Please click [here](#) to learn more about DRU and the services DRU provides.
- B. Ethics and Compliance – The USOPC promotes a culture of ethics and compliance within the USOPC, among NGBs, and among individuals and entities that engage with the USOPC and NGBs. The USOPC’s Ethics and Compliance team is responsible for ensuring the USOPC and NGBs comply with the Act, their own bylaws and policies, and any other applicable laws or regulations. To learn more about Ethics and Compliance along with the Code of Conduct and the Speak Up Policy, please click [here](#).
- C. Legal Aid – The Office of the Athlete Ombuds offers an Athlete Legal Aid Program to assist elite athletes without sufficient financial means to seek aid for fees and costs associated with legal representation or the proceeding itself with respect to claims before an anti-doping organization, NGB, IF, the Center for SafeSport, USOPC, IOC/IPC, Court of Arbitration for Sport, or other sport-related tribunal within the Olympic and Paralympic Movement. To learn more about the Athlete Legal Aid Program, please click [here](#).
- D. Mental Health – The USOPC is committed to promoting sustained well-being for Team USA athletes and it is critical that the USOPC empower those who are in need to seek mental health assistance, while proactively delivering mental health resources and services. To learn more about mental health resources, please click [here](#).
- E. Office of the Athlete Ombuds – The Office of the Athlete Ombuds is available to provide cost-free, confidential, and independent advice to athletes regarding their rights under this process and to assist athletes in resolving disputes or concerns. Athletes may contact the Office of the Athlete Ombuds at ombudsman@usathlete.org for information about their rights, resources, and options, including attorneys and/or legal aid. To learn more about the Office of the Athlete Ombuds, please click [here](#).

US Olympic and Paralympic Committee Procedures

SECTION 2

DISCIPLINARY ACTIONS

SECTION 2.1 REPORTING POSSIBLE VIOLATIONS OF RULES

Any individual may file a report pursuant to the applicable policy & procedures for alleged USOPC Rule Violations against any other individual who has allegedly violated any USOPC rule related to conduct or behavior requirements by emailing DRU at DRU@usopc.org.

SECTION 2.2 RULES ENFORCEMENT

Once the USOPC learns of an alleged violation of a USOPC rule or other conduct issue, the USOPC will make an inquiry into or investigate the matter (informally or formally) pursuant to the applicable policy & procedures.

If applicable, the NGB will continue to have full authority to enforce its own rules of conduct in other matters.

SECTION 2.3 TEMPORARY MEASURES

Temporary Measures may be implemented in Athlete Safety matters in accordance with the USOPC Athlete Safety Policy in instances of an alleged violation in which the Office of Athlete Safety has accepted jurisdiction. Temporary Measures may also be conducted for a Red Light under a background check and in any disciplinary action when a probable violation (i) could cause imminent harm to others or to property or (ii) the allegation is sufficiently serious or (iii) is a probable violation of local laws. In such matters, removal may be immediate with the opportunity for a Temporary Measures hearing immediately thereafter in accordance with Section 5.1(C) of these Procedures. A Temporary Measures hearing is only available in instances where the Temporary Measure materially affects the right of the Respondent to participate in a Protected Competition (e.g., suspension). The individual will also have the opportunity for a final hearing on the merits in accordance with these Procedures.

SECTION 2.4 USOPC PURSUING ACTION

When the USOPC finds probable cause of a rule violation, the USOPC will pursue the matter and follow the process outlined in the applicable policy & procedures to notify the individual alleged to have violated a conduct rule, a proposed sanction, their rights and various timelines, and the opportunity to request a hearing through these Procedures.

The USOPC will also inform the reporting party (if known) that they are pursuing action against the individual.

SECTION 2.5 USOPC DECLINING TO PURSUE A CASE

For cases involving alleged violations of the IMS Code of Conduct and if the USOPC declines to pursue action against the alleged violation, IMS will notify the reporting party (if known) that it has declined to pursue any action. IMS will advise the reporting party that they (if they are also under the USOPC's jurisdiction) may still file a Code of Conduct complaint under these Procedures. If

US Olympic and Paralympic Committee Procedures

the reporting party elects to file a complaint with DRU, then the reporting party is responsible for all aspects of pursuing the matter that otherwise would have been the responsibility of the USOPC.

US Olympic and Paralympic Committee Procedures

SECTION 3

BACKGROUND CHECK REVIEW HEARINGS

SECTION 3.1 SCOPE AND CONDUCT OF PROCEEDING

Background checks are conducted on individuals pursuant to the USOPC Background Check Policy.

For primary reviews of Red Lights for USOPC-initiated background checks and for secondary reviews of Red Lights for NGB determinations, DRU will initiate the review process. DRU will contact the individual to obtain details of the charge(s) that resulted in the Red Light. The details and the charges will be provided to the hearing panel and a decision will be made to either review based on the papers or to conduct a non-adversarial hearing. If a hearing is required, DRU will notify the individual of a specific date and time for the hearing. The hearing will be held by videoconference or teleconference. The individual has the right to be represented by legal counsel and/or a representative at the hearing.

The hearing will be informal except that the individual will be placed under oath. The individual will be allowed to present any evidence or argument that they wish the hearing panel to consider. The hearing panel expects the individual to remain truthful during the pendency of the proceeding. The hearing panel may require that documentary evidence be presented prior to the hearing and that the names of any witnesses be disclosed prior to the hearing. The hearing panel may also seek input from the relevant NGB/IMS.

A determination will be made based on a majority vote of the hearing panel.

The hearing panel will take into consideration the factors listed under Section 5.4 and has the discretion to deny any individual covered by the USOPC or NGB Background Check Policy from participation if it finds, in good faith, that permitting an individual with a Red Light to participate is inconsistent with the stated purpose of the USOPC's Background Check Policy.

The hearing panel will communicate its findings to the individual and to the individual's NGB/IMS. The determination of the hearing panel is final and is not subject to the internal pre-hearing & hearing process in these Procedures. However, if an individual receives a determination that materially affects the right to participate in a Protected Competition, they may appeal the decision to the arbitral body designated by the USOPC within the timeframe noted in Section 6.1.

Any adverse information that is later found out (that would have been available at the time of the hearing or that comes to light because of another incident), on a probable cause standard, may be considered falsifying information and will be grounds to reopen the review and determination. The individual may also be subject to further consequences as a potential code of conduct violation which may be handled according to these Procedures.

US Olympic and Paralympic Committee Procedures

SECTION 4

FILING A COMPLAINT & PRE-HEARING PROCESS

SECTION 4.1 FILING A FORMAL COMPLAINT

This section applies to IMS administrative, code of conduct, and opportunity to participate complaints. The following steps must be followed to initiate the hearing process:

- A. Submission of Complaint – A formal complaint must be filed online [here](#) or by emailing the applicable form to the USOPC Dispute Resolution Unit at dru@usopc.org. Complaints can only be filed for one type of dispute (e.g., an individual cannot file both an administrative and opportunity to participate complaint in one, and must separate them out), unless a request for consolidation is made pursuant to Section 4.1(G) below. Applicable forms can be found on usopc.org. If a complaint is not filed online or in the correct form, it will not be considered properly filed and the hearing process will not be initiated unless corrected. This is not to dissuade anyone from filing a complaint, but simply to ensure that it is the individual's intent to file a formal complaint. For assistance with filing correctly, please reach out to dru@usopc.org.
- B. Filing Fee – A filing fee of \$250 must be submitted with any complaint. The filing fee may be waived by DRU upon a request and showing hardship.
- C. Information Requirements – The following information is required on all complaints:
 - i. Name and contact information of the person filing the complaint (the “Complainant”);
 - ii. Name of the individual or entity upon which the complaint is against (the “Respondent”);
 - iii. Jurisdictional basis of the complaint;
 - iv. The specific rule that is alleged to have been violated;
 - v. Material facts supporting the allegation;
 - vi. Supporting evidence;
 - vii. Urgency of case or request for an expedited proceeding;
 - viii. Remedy requested; and
 - ix. Signature or attestation that the person is filing the complaint on their own or has express authority to file the complaint on their behalf.
- D. Opportunity to Participate Complaints – Additionally, the following information will be required for an opportunity to participate complaint:
 - i. a list of all individuals the athlete believes may be adversely affected by a decision; and
 - ii. the date of the upcoming competition that the complaint involves.

US Olympic and Paralympic Committee Procedures

- E. Time Limits – A complaint must be filed within one hundred and eighty (180) days of the date the Complainant could reasonably have known of the alleged violation, complaint, denial, or threat to deny.
- F. Filing Requirements – DRU will be responsible for determining if a complaint filed (i) was properly filed; (ii) satisfies the minimum requirements for that type of complaint; (iii) should be redesignated as a different type of complaint; and (iv) if the applicable filing fee has been submitted. If DRU determines that a complaint was not filed properly or failed to satisfy the minimum requirements for such complaints, then DRU will provide the parties with 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, DRU may not make any decisions or judgments based on the merits of the complaint, nor may DRU make any determination that the complaint was frivolous. If the DRU determines that a complaint was filed using an improper designation (e.g., an opportunity to participate complaint was filed as an administrative complaint), then 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 because of the re-designation, then the DRU will provide the parties the opportunity to remedy the deficiencies and re-file.
- G. Consolidation – Matters involving more than one complaint may be consolidated upon agreement of the parties or may be consolidated by DRU at the time of initiation upon demonstration that the cases are based on a common nucleus of operative facts and would serve the interests of justice. If a party objects to consolidation, the hearing panel will make the final decision.

SECTION 4.2 REQUEST FOR A HEARING

For disciplinary actions described in Section 1.1(A), there is no requirement to file a formal complaint to initiate the proceeding because the USOPC, or IMS, is the entity pursuing a violation against an individual.

Once an individual requests a hearing as specified in the underlying rules, the hearing process will be initiated.

The following are the timeframes in which to request a hearing depending on the urgency of the matter. These timeframes will also be included in a letter provided to the respondent when the USOPC is pursuing a probable violation.

Emergency Cases During an Event (e.g., Trials – Demonstrations and Commercial):
Within 90 minutes (of the notice letter) or no later than 30 minutes before the conclusion of the event.

Expedited Cases: Within 24 hours (of the notice letter).

Standard Cases: Within 10 days (of the notice letter).

These timeframes are only relevant to submit a request for hearing. The timing for the hearing and expediency for the hearing can be found in Section 4.4. The USOPC may alter these timelines if necessary and if it does not cause any harm for any of the involved individuals. The respondent must be given adequate notice of any altered timeframe.

US Olympic and Paralympic Committee Procedures

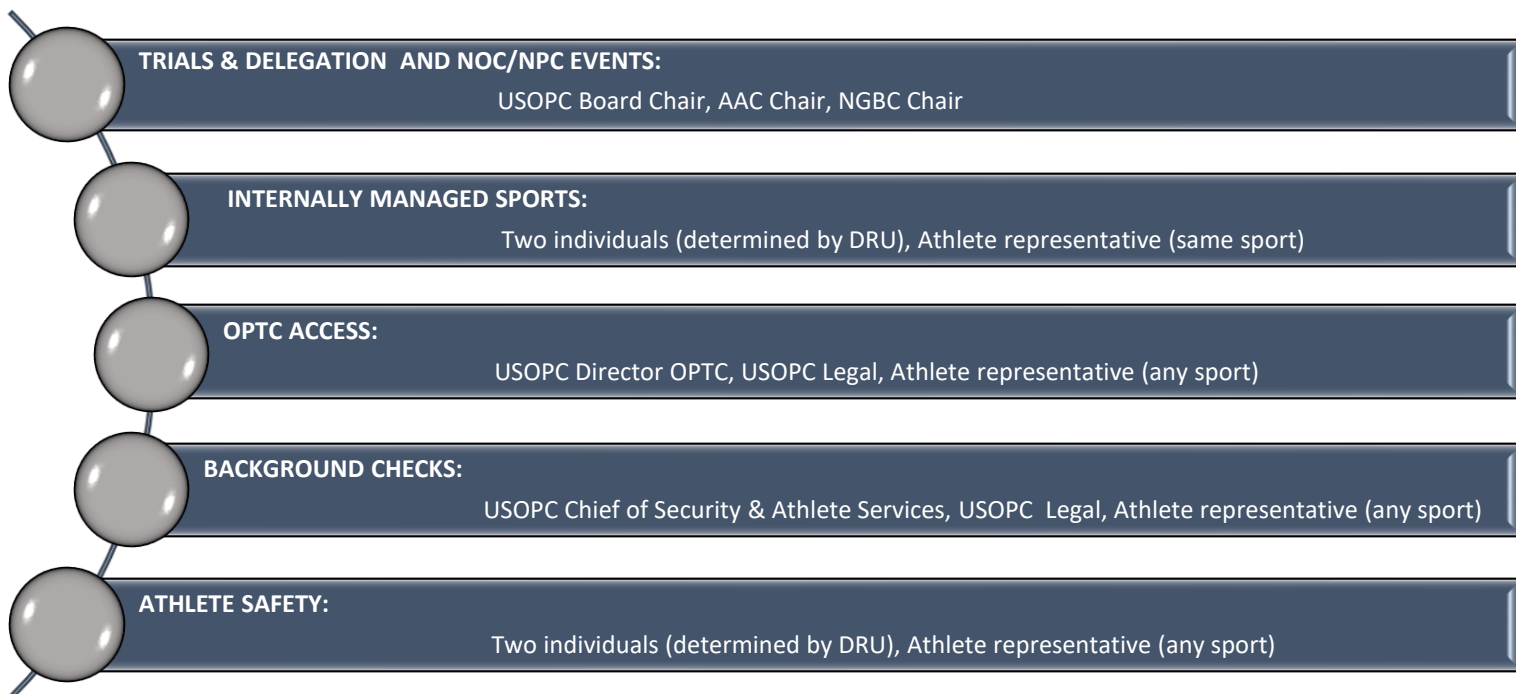
Details about making a request for a hearing will be set forth in the notice letter from the USOPC or IMS, as applicable. All requests for a hearing must be made to DRU by emailing dru@usopc.org and must include any required documents (if any) as specified in the notice letter.

If no request for a hearing is made within the specified time, the proposed consequence from the notice letter will go into effect and the sanction will be deemed accepted. The case will be closed with no further right of review.

Individuals may have other hearing rights under applicable third-party (International Federation, International Olympic Committee, International Paralympic Committee, Association of National Olympic Committees, Court of Arbitration for Sport) rules.

SECTION 4.3 PANEL

- A. Appointment of Hearing Panel – Upon the filing of a complaint or request for hearing, DRU will appoint a hearing panel and will appoint a chair of the hearing panel from the individuals selected. The hearing panel will have an Athlete representative meeting the qualifications as required under the USOPC Bylaws and two other impartial and disinterested individuals as shown below. The parties will be notified of the hearing panel appointment.
- B. Hearing Panel Composition – The hearing panel will have the following compositions, or their designees, according to the type of complaint:



If an individual is involved in an initial enforcement review or Temporary Measures hearing then they will not be eligible for appointment to the hearing panel for a final hearing (on the merits) in the same matter, if applicable.

US Olympic and Paralympic Committee Procedures

- C. Disclosures – Each hearing panel member is subject to the USOPC Conflict of Interest Policy and will be required to disclose any conflict of interest to the parties.
- D. Objection to Hearing Panel Member – Any 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 recused. The objection can be sent to DRU. DRU will review any potential grounds for disqualification and will timely render a determination of whether the appointed panel member should be recused, and, if the panel member is recused, a replacement panel member will be appointed promptly.
- E. Vacancies – If for any reason a hearing panel member is unable to perform their duties and a vacancy occurs, DRU will appoint a substitute hearing panel member.

SECTION 4.4 TIMING FOR HEARING

In all instances, a hearing will be scheduled as soon as practicable. Unless otherwise agreed to, DRU will attempt to hold a hearing within forty-eight (48) hours for Emergency and Expedited cases, within fourteen (14) days for standard Delegation Event cases, and within sixty (60) days for standard cases from the date of filing of the complaint or the request for hearing. Although the parties' availability will always be considered, due to the nature of Emergency and Expedited cases, a hearing date and time may be set immediately.

The hearing panel may shorten or extend such timeframe depending on the circumstances of the case, so long as no harm is caused to a party because of the delay, a decision is rendered in a timely manner and taking into consideration any competition deadlines.

SECTION 4.5 NOTICE OF COMPLAINT

Upon the filing of a complaint or a request for hearing, as applicable, DRU will provide written notice to the respondent (and to all known potentially affected parties in IMS opportunity to participate complaints) that a complaint has been filed against them, or a hearing will be initiated, along with a copy of the complaint/notice letter and any attachments that were provided. For standard cases, the notice will be delivered to the Respondent within seven (7) business days following receipt of a properly filed complaint unless there is just cause for delay. For emergency or expedited proceedings, notice will be delivered as soon as reasonably possible.

The notice may include specific hearing procedures, rights of the parties, and any applicable deadlines.

If a party is a minor, all correspondence will be copied to the minor's parents or legal guardians.

SECTION 4.6 ANSWER OR POSITION STATEMENTS

The Respondent will be provided with an opportunity to provide an answer to the complaint, or a position statement in disciplinary actions/Athlete Safety matters, addressing the allegations made against them. These will be submitted in accordance with the deadlines set by DRU, the hearing panel or as set forth in the notice letter, as applicable and the Respondent will be required to

US Olympic and Paralympic Committee Procedures

provide an electronic copy to the Complainant. If no answer or position statement is filed within the appropriate timeframe, the Respondent will be deemed to have denied the claim(s).

SECTION 4.7 EXCHANGE OF INFORMATION

In advance of the hearing, the hearing panel may require the parties to exchange information, to provide a list of anticipated witnesses/expert witnesses (with a brief description of their expected testimony), submit any exhibits that the parties anticipate using at the hearing, and submit pre-hearing briefs. Evidence will be provided within a reasonable time in order to prepare for the hearing and in accordance with the Scheduling Order issued by the hearing panel.

SECTION 4.8 MOTION TO DISMISS

A Respondent may file a motion to dismiss if there is a procedural or jurisdictional defect or if the complaint fails to state a claim upon which relief can be granted. The Complainant will be provided with an opportunity to respond to the Motion. The hearing panel will determine if a decision can be rendered on the papers or if an oral argument hearing is necessary.

US Olympic and Paralympic Committee Procedures

SECTION 5

GENERAL HEARING PROCEDURES & CONDUCT

SECTION 5.1 CONDUCT OF THE PROCEEDING

- A. Oral Argument Hearing – Oral argument is informal and allows the parties to present arguments in favor of or against the motion to dismiss. Oral argument is not intended to be utilized as a hearing to discuss the underlying claims and merits of the case. It will be focused on whether there is a procedural or jurisdictional defect or if the complaint fails to state a claim upon which relief can be granted. The hearing will be held via video conference and will be a total of 1 hour unless the hearing panel believes that it requires a longer period of time. Each party will be given an equal amount of time for their oral argument. Any member of the hearing panel may ask questions during the oral argument.
- B. Preliminary Conference – Either on its own directive or at the request of a party, the hearing panel may schedule a preliminary conference with the parties. The preliminary conference is informal and will be conducted via video conference. During the preliminary conference, the parties and the hearing panel will discuss the future conduct of the proceeding, including clarification of the issues and claims, a schedule for the hearing and any other preliminary matters.
- C. Temporary Measures Hearing - The Temporary Measures hearing is provisional and is considered an expedited proceeding. It is intended to quickly resolve whether sufficient evidence exists to satisfy the hearing panel that the Temporary Measure(s) requested is/are appropriate based on the known facts and circumstances of the case based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the sport community. The sole issue before the hearing panel is whether there is reasonable cause to impose a Temporary Measure. The Temporary Measures hearing will not determine whether the Respondent has committed a violation or what the appropriate sanctions should be if a violation is found to have occurred. It is not a final hearing on the merits.

The USOPC or Athlete Safety may modify or stay a Temporary Measure at any time prior to a hearing panel decision without the action of the hearing panel. If the Temporary Measure is modified or stayed in a manner that would no longer materially affect the right of the Respondent to participate, the hearing proceeding will be closed, and the parties will be notified.

US Olympic and Paralympic Committee Procedures

- D. Expedited Hearing – 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 hearing panel is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. If a complaint is filed with less than 48 hours prior to a competition, the Complainant understands that it may not be practicable or possible to hold a hearing with less than that amount of time. The hearing panel will take into consideration providing fairness to all parties involved if a hearing can be held. Expedited procedures are also available for Background Check Review hearings.

In an expedited proceeding, the parties understand that the Procedures may be greatly modified for efficiency. The hearing panel is authorized to hear and decide the complaint pursuant to these Procedures as necessary, but fair to the parties involved.

- E. Hearing on the Merits – If the matter is not otherwise resolved, a hearing will be held on the merits. The parties will be given a reasonable opportunity to present oral or written evidence relating to the matter, to cross-examine any witnesses offered by the other party, and to present such factual or legal claims as desired. Rules of evidence generally accepted in administrative proceedings will apply. The hearing panel will determine the admissibility, relevance, materiality of the evidence offered, and credibility of witnesses presented and may exclude evidence it deems to be cumulative or irrelevant. The hearing panel will have the right to question witnesses or the parties at any time.

The hearing panel may put protections in place for the cross-examination of minors. Any modifications for the protection of minors will be communicated in advance. Additionally, the parent or legal guardian of any minor in these proceedings will be copied and provided notice along with the minor at any step and may participate in the proceeding.

The hearing will be informal, except that testimony will be taken under oath.

The hearing will be conducted by teleconference or videoconference, unless the parties and hearing panel agree that an in-person hearing is necessary.

The length of the hearing will be limited to no more than eight hours unless the hearing panel believes that additional time is needed. The hearing panel will provide further details about the length of the hearing in the Scheduling Order. Each party will receive an equal amount of time to present their position.

Affected parties in an IMS Opportunity to Participate case will be given the full rights as a party to the case and will be bound by the decision. Each party will have the right to appear personally or through a representative. If a party does not participate in any part of the proceedings after being given notice, the hearing will continue as scheduled and a decision will be based on the evidence available.

Any hearing referenced in these Procedures is closed to the public and all case filings will remain confidential. Additionally, the parties will be subject to any confidentiality provisions as outlined in the relevant policies, procedures, and rules.

US Olympic and Paralympic Committee Procedures

SECTION 5.2 RECORDING OF PROCEEDING

Any party may have a record made of the hearing so long as the hearing panel is advised in advance of the hearing. If the hearing panel believes it necessary, it may record the hearing through the application utilized for the hearing (Zoom, Teams) or 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 by the parties. Any transcript will be paid for by the party requesting the transcript. The hearing panel has the authority to request a copy of the hearing transcript from the parties with the cost of such being borne by the party requesting the court reporter. Any hearing transcripts are considered confidential and will not be utilized outside of the hearing process until the hearing panel issues its final determination.

SECTION 5.3 BURDEN OF PROOF/STANDARD OF REVIEW

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.

The final hearing will be a de novo hearing.

For disciplinary actions, if a violation is found by a preponderance of the evidence, the hearing panel will then determine a proportionate sanction. The hearing panel is not bound to any proposed sanction but may consider it. The Final Hearing will be a de novo review of the underlying violation, along with the sanction. The parties may stipulate to the occurrence of a violation, and if so, the scope of the hearing will be limited to examining the sanction.

For any case involving a *Criminal Charge* or *Criminal Disposition*, the *Criminal Charge* or *Criminal Disposition* is a per-se violation, and the scope of the hearing will be limited to examining the sanction.

SECTION 5.4 HEARING PANEL CONSIDERATIONS

For background check reviews and any disciplinary action or Code of Conduct complaints, the hearing panel may take the following into consideration when rendering their decision:

- a. The legitimate interest of the USOPC in providing a safe environment for athletes and other individuals who reside, train or compete at Olympic & Paralympic Training Centers ("OPTC"), participate in Delegation Events and/or USOPC sponsored events;
- b. The individual's health, safety, and well-being and the health, safety, and well-being of others who are training and/or residing at the OPTC, along with the health and safety of the USOPC staff working at the OPTC;
- c. Whether the individual poses an ongoing concern;
- d. The seriousness of the alleged violation;
- e. Repeated violations;
- f. The time which has elapsed since the occurrence of the original criminal offense, act or violation;
- g. The age of the person at the time of occurrence of the original criminal offense, act or violation;

US Olympic and Paralympic Committee Procedures

- h. The individual's ability to perform the necessary functions of their role or otherwise be a representative of the U.S. Olympic and Paralympic Movement;
- i. Any information produced by the individual, or produced on behalf of the individual with respect to the individual's rehabilitation and good conduct;
- j. Any voluntary restrictions on access proposed by the individual;
- k. Any recommendation or information provided by the individual's NGB/IMS; and
- l. Any other information, which in the determination of the hearing panel, would bear on whether or not the individual should represent the U.S. Olympic and Paralympic Movement.

SECTION 5.5 DECISION

A decision will be determined by a majority of the hearing panel and will go into effect immediately, unless otherwise stated. In disciplinary actions, no sanction will take effect until the time has lapsed to request a hearing or when a final decision is determined. The hearing panel will issue a reasoned written decision within thirty (30) days. For Emergency and Expedited cases, an operative decision may be given on a shorter timeframe taking into consideration any upcoming competition or deadline.

SECTION 5.6 SANCTIONS

For disciplinary actions and Code of Conduct complaints or Background Check issues, the hearing panel may impose sanctions, including, but not limited to:

- a. A warning;
- b. Fine;
- c. Return of any equipment, uniform or attire provided as part of Team USA;
- d. Limitation on further access to USOPC facilities and/or venues;
- e. Restrictions of USOPC, Delegation or NOC/NPC Event related activities;
- f. Loss of participation in USOPC sponsored events or future Delegation Events or NOC/NPC Events;
- g. Loss of funding;
- h. Loss of access or restriction to services;
- i. Loss of health insurance;
- j. Suspension for a specified duration;
- k. Probation;
- l. Expulsion from USOPC facilities and/or Delegation Events or NOC/NPC Events;
- m. Loss of privilege to march or otherwise participate in the Opening and/or Closing Ceremony at Delegation Events;
- n. Lifetime ban/permanent ineligibility; and/or
- o. Performance of a specified task(s), such as a formal written and/or oral apology or completion of training or education on diversity, equity, and inclusion.

US Olympic and Paralympic Committee Procedures

SECTION 6

APPEALS

SECTION 6.1 APPEAL RIGHTS

A party not satisfied with a decision rendered under these Procedures may appeal a decision of the hearing panel (except in matters noted in Section 6.2 below) to the arbitral body designated by the USOPC to hear Olympic and Paralympic related disputes pursuant to the United States Olympic & Paralympic Movement Arbitration Rules, for a final and binding decision. The appeal must be made within ten (10) days after the final reasoned decision is rendered and provided to the parties.

There is a right of appeal for the following matters:

USOPC Athlete Safety
IMS Administrative
IMS Code of Conduct
IMS Opportunity to Participate
Background Check Review

If the timeframe has lapsed to make an appeal (or any other timeframe parameters set forth herein have expired) or an informal resolution has been reached in a matter, there will be no further appeal action to be taken.

SECTION 6.2 APPEAL LIMITATIONS

There is no right of appeal in the following matters:

OPTC Access
Trials & Delegation Events
NOC/NPC Events

SECTION 6.3 AGREEMENT TO ARBITRATE

The parties to a case may agree to forgo these internal hearing Procedures and proceed straight to arbitration by the arbitral body designated by the USOPC (if arbitration is an available option under Section 6.1). The parties will bear their own respective costs and fees for the arbitration. For Athlete Safety matters, Athlete Safety will cover all arbitration costs and fees for a temporary measure hearing if the individual agrees to proceed directly to arbitration in those instances. The arbitration process will be handled in accordance with the United States Olympic & Paralympic Movement Arbitration Rules.

US Olympic and Paralympic Committee Procedures

SECTION 6.4 BURDEN OF PROOF/STANDARD OF REVIEW

For IMS opportunity to participate complaints that involve Team USA athletes, the appeal hearing will be a de novo hearing. For all other complaints, the appeal hearing will be on the record and the standard of review will be whether the hearing panel erred, acted arbitrary and capriciously, or lacked a rational basis for the decision or that the hearing process lacked fundamental fairness, taking into consideration factors listed in the underlying procedures. The party appealing the decision shall bear the burden of proof. The arbitrator will consider the hearing panel's decision.

SECTION 6.5 ARBITRAL BODY

The arbitral body designated by the USOPC to hear Olympic and Paralympic related disputes can be found [here](#).

US Olympic and Paralympic Committee Procedures

SECTION 7

POLICY ADMINISTRATION

SECTION 7.1 POLICY HISTORY

Publication Type	Policy Approver	Enabling Action	Publication Date	Next Scheduled Review	Revision Summary
Initial Publication	USOPC Board of Directors	Board Vote; 3/16/23	4/01/23	2024	N/A - initial publication
Scheduled Review					
Policy Update					