



USA Table Tennis Complaint Resolution and Discipline Procedures

These Complaint Resolution and Discipline Procedures (the “Procedures”) are promulgated pursuant to and shall be interpreted and applied in compliance with the USA Table Tennis Bylaws, the United States Olympic and Paralympic Committee Bylaws, the Ted Stevens Olympic and Amateur Sports Act, and any other applicable legal or regulatory requirements pertaining to USA Table Tennis as a non-profit, tax-exempt organization.

1. Purpose

These Procedures state how USA Table Tennis responds to reported complaints and matters of discipline, including those related to conduct, alleged violations of USA Table Tennis policies, and issues concerning an athlete’s or member’s opportunity to participate or compete. These Procedures set forth the steps taken to investigate, resolve, and, if necessary, impose disciplinary measures related to concerns raised to USA Table Tennis. These Procedures also outline the hearing process that will be followed for applicable matters.

2. Definitions

- A. “Complaint” shall mean any complaint, grievance, report, or allegation regarding a potential violation or allegation of non-compliance with any USA Table Tennis policy, procedure, rule or regulation, Code of Conduct, the USA Table Tennis Bylaws, the Ted Stevens Act, the USOPC Bylaws relating to the USA Table Tennis’s recognition as a National Governing Body, or any complaint within the categories of complaints provided in Sections 3.A., 3.B., and 3.C. of these Procedures.
- B. “Complainant” shall mean an individual who reports a Complaint under these Procedures.
- C. “E&J Chair” shall mean the Chair of the USA Table Tennis Ethics & Judicial Committee or his / her / their designee (as may be necessary or desirable due to conflict of interest, time constraints, or expertise). The E&J Chair (or designee) shall fulfill the roles and responsibilities as stated under these Procedures and in doing so may consult the USA Table Tennis Ethics & Judicial Committee and USA Table Tennis legal counsel as needed in the E&J Chair’s judgment and discretion.
- D. “E&J Committee” shall mean the USA Table Tennis Ethics & Judicial Committee.
- E. “Hearing” shall mean the formal hearing and the relevant elements of the hearing process for resolution of a Complaint as provided in these Procedures.

- F. "Hearing Panel" shall mean a hearing panel constituted pursuant to these Procedures.
- G. "Procedures" shall mean these USA Table Tennis Complaint Resolution and Discipline Procedures.
- H. "Respondent" shall mean an individual against whom a Complaint is reported under these Procedures.
- I. "Ted Stevens Act" shall mean the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §22501 et seq.
- J. "USADA" shall mean the U.S. Anti-Doping Agency.
- K. "USA Table Tennis" shall mean the United States Table Tennis Association, Inc. d/b/a USA Table Tennis.
- L. "USCSS" shall mean the U.S. Center for SafeSport.
- M. "USOPC" shall mean the United States Olympic and Paralympic Committee.

3. Types of Complaints

The following types of Complaints may be filed with USA Table Tennis and shall be addressed and resolved through these Procedures:

- A. **Administrative Complaint.** Any member of USA Table Tennis may file a Complaint pertaining to any matter within the jurisdiction of USA Table Tennis, including but not limited to any alleged violation of, or Complaint concerning: (i) any USA Table Tennis policy, procedure, rule or regulation, including any USA Table Tennis Code of Conduct, the USA Table Tennis Conflict of Interest Policy, and USA Table Tennis Ethics Policies, (ii) any provision of the USA Table Tennis Bylaws, or (iii) any provision of the Ted Stevens Act, or the USOPC Bylaws relating to the USA Table Tennis's recognition as a National Governing Body.
- B. **Opportunity to Participate / Right to Compete Complaint.** Any athlete, coach, trainer, manager, administrator or official may file a Complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate or right to compete in a USA Table Tennis sanctioned amateur athletic competition.
- C. **Complaint Involving the Board of Directors.** In the event that a Complaint is filed by, or involves, members of USA Table Tennis's Board of Directors in their individual capacity (i.e., not a Complaint brought against the Board of Directors as USA Table Tennis's governing board under the USA Table Tennis Bylaws, the Complaint shall be addressed and resolved in accordance with these Procedures, unless the Board of Directors determines, after consultation with USA Table Tennis's legal counsel as necessary, that applicable laws indicate that an alternative process or means is necessary or appropriate

for the resolution of such Complaint.

The following types of Complaints shall **not** be addressed through these Procedures:

D. Employee Complaint. In the event a USA Table Tennis employee files a Complaint regarding any employment-related matter or issue, such Complaint shall be addressed and resolved by the USA Table Tennis CEO. In the event a USA Table Tennis employee files a Complaint against the CEO, the Complaint shall be forwarded to the Chair of the USA Table Tennis Board of Directors. In addressing and resolving a Complaint filed by a USA Table Tennis employee against the CEO under these Procedures, the CEO shall consult with the Chair of the USA Table Tennis Board of Directors, and, in the event that significant disciplinary action or termination of employment is considered, recommendations shall be made to the USA Table Tennis Board of Directors. To ensure compliance with USA Table Tennis policies regarding non-retaliation, significant disciplinary action or termination of employment shall not be instituted following an employee Complaint against the CEO without Board of Directors' approval.

E. Field of Play Decisions. The final decision of an umpire or referee during a competition regarding a field of play decision (i.e., a matter set forth in the rules of the competition to be within the discretion of the umpire or referee) shall not be reviewed through these Procedures, unless the decision is: (i) outside the authority of the umpire or referee to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the umpire or referee. For purposes of this Section, the terms "umpire" or "referee" shall include any individual with discretion to make field of play decisions.

F. SafeSport Violations. Any Complaint or decision concerning a SafeSport violation subject to the jurisdiction of the USCSS, the U.S. Center for SafeSport, or adjudicated by USA Table Tennis under past procedures prior to the existence of the USCSS, shall not be subject to these Procedures. Such exclusion from the jurisdiction of these Procedures shall include, but not be limited to, the acceptance of such a Complaint, the resolution of such a Complaint without a Hearing or with a Hearing, or the appeal or informal resolution of such a Complaint as otherwise provided in these Procedures for Complaints. See: <https://www.usatt.org/athlete-resources/safesport>

G. Anti-Doping Violations. Any Complaint or decision concerning a doping violation subject to the jurisdiction of the USADA, the U.S. Anti-Doping Agency, or adjudicated by USA Table Tennis under past procedures prior to the existence of the USADA, shall not be subject to these Procedures. Such exclusion from the jurisdiction of these Procedures shall include, but not be limited to, the acceptance of such a Complaint, the resolution of such a Complaint without a Hearing or with a Hearing, or the appeal or informal resolution of such a Complaint as otherwise provided in these Procedures for Complaints. See: <https://www.usatt.org/usada>

4. General Provisions: Filing and Review of Complaints

A. Manner of Filing Complaint; Documentation, and Evidence

A Complainant shall file a Complaint with the E&J Committee by submitting a Complaint Form (See Appendix A). For administrative purposes, a copy of the

Complaint Form shall be forwarded by the E&J Chair to the USA Table Tennis Chief Operating Officer. The Complainant shall provide all necessary information on the Complaint Form, including but not limited to: (i) the name, mailing address, email address, telephone number, and USA Table Tennis membership information of the Complainant, the Respondent, and any known witnesses or parties possessing relevant information about the Complaint; (ii) the type of Complaint (see Section 3 of these Procedures); (iii) the USA Table Tennis policy, procedure, rule, regulation, or provision of the USA Table Tennis Bylaws, USOPC Bylaws, or Ted Stevens Act alleged to have been violated; (iv) a clear and concise statement of facts explaining or supporting the Complaint, including relevant dates; (v) a statement of whether the Complainant has attempted to resolve the Complaint; and (vi) the remedy sought by the Complainant to resolve the Complaint. The Complainant shall attach supporting evidence and/or documentation to the Complaint Form. The Complainant shall sign the Complaint Form to verify that the allegations and facts stated are true and correct to the best of the Complainant's knowledge, information and belief.

B. Timing of Filing (Statute of Limitations)

A Complaint shall be filed within ninety (90) days of the occurrence of the alleged violation or alleged non-compliance of any USA Table Tennis policy, procedure, rule, or regulation, or provision of the USA Table Tennis Bylaws, USOPC Bylaws, or Ted Stevens Act alleged to have been violated, or of any alleged denial of an opportunity to participate or denial of a right to compete.

C. Filing Fee

A Complaint filed by an individual shall be accompanied by a \$250 filing fee. A Complaint filed by an organization shall be accompanied by a \$500 filing fee, except that USA Table Tennis is not required to pay a filing fee. A Complainant may request a reduction or waiver of the filing fee upon a demonstration of bona fide significant financial hardship. If a Complaint is substantiated through these Procedures and any subsequent appeal, the E&J Committee may, in its discretion, direct the refund of the filing fee to the Complainant as part of any remedy granted to resolve the Complaint.

D. Expedited Review of Complaint

Upon the request of a Complainant or Respondent, and provided that it is necessary to expedite proceedings to resolve a Complaint regarding an Opportunity to Participate / Right to Compete, or a Complaint involving subject matter such that timing of the Hearing and resolution of the Complaint may cause irreparable harm to the Complainant or Respondent (e.g., resolution of the Complaint is necessary prior to the scheduled date of a competition), the E&J Chair may expedite proceedings under these Procedures as reasonably necessary to hear and resolve a Complaint to ensure fairness to the Complainant and Respondent. The E&J Chair may consult with the E&J Committee and/or USA Table Tennis legal counsel regarding a request to expedite proceedings.

E. Involvement and Protection of Minors under these Procedures

In the event that a Complaint involves a minor as a Complainant, Respondent, and/or witness, USA Table Tennis will apply these Procedures to ensure the protection of

such minors in view of their legal status as a minor. This includes, but is not limited to communicating notices under these Procedures to the parent(s) or legal guardian(s) of a minor and applying appropriate modifications to the questioning or cross-examination of a minor.

5. Review of Complaint by E&J Chair

- A. Following initial confirmation by the E&J Chair that a Complaint states an actionable claim within USA Table Tennis's jurisdiction, the E&J Chair shall begin a review of the Complaint. In conducting this review, the E&J Chair shall generally follow the procedures stated in Subsections 9.D.i. (Notice of the Complaint), ii. (Answer), iii. (Motion to Dismiss), iv. (Representative and Legal Counsel), v. (Pre-Hearing Conference / Hearing Schedule), vi. (Exchange of Information), vii. (Conduct of the Proceeding), viii. (Record of the Proceeding), ix. (Standard of Review), x. (Sanctions), xi. (Decision), and xii. (Appeal Rights), except that steps to be taken by a Hearing Panel as stated in those Subsections will be taken by the E&J Chair with appropriate adaptations.
- B. Review of a Complaint by the E&J Chair, and application of these Procedures to the resolution of a Complaint, shall be conducted by individuals who are objective, unbiased, and do not have any conflict of interest with respect to the Complainant, the Respondent, witnesses, or any party or the outcome of the review and resolution of the Complaint.
- C. During the course of the review, the E&J Chair may take whatever steps deemed necessary in his / her discretion to conduct a full review of the matter, including but not limited to the following:
 - Review of relevant USA Table Tennis policies, procedures, rules, regulations, and Codes of Conduct, and provisions of the USA Table Tennis Bylaws, or provisions of the USOPC Bylaws or Ted Stevens Act if applicable
 - Review of documentation related to the Complaint
 - Review of any evidence related to the Complaint
 - Interviews with involved parties, including the Complainant or other reporter(s) of the Complaint, the Respondent, and any witnesses.

If the E&J Chair finds cause to do so, a Complaint may be dismissed during the review. Reasons that a Complaint may be dismissed include, but are not limited to, the following:

- Insufficient evidence to support claims in the Complaint
- Determination that the Complaint is not in fact within the USA Table Tennis's jurisdiction to resolve
- No available remedy for the Complaint or reported concern, even if the factual allegations are supported

6. Informal Resolution of a Complaint

At the initiation of the review of a Complaint, or during such review, a Complainant or a Respondent may seek, or the E&J Chair in his / her discretion may offer the opportunity to seek an informal resolution of the Complaint. Discussion of an informal resolution may only occur if: (i) the Complainant and Respondent expressly agree to pursue an informal resolution; (ii) any requested or necessary involvement of USA Table Tennis in such informal resolution (e.g., to answer questions or assist with documenting terms, etc.) will be conducted by a person not otherwise involved in these Procedures for formal resolution of a Complaint to ensure objectivity and the avoidance of bias or prejudice in the application of these Procedures; and (iii) the Complainant and the Respondent agree that such informal resolution will be documented in a manner sufficient for compliance with these Procedures. During discussion of an informal resolution of a Complaint, all time periods for action by USA Table Tennis, the E&J Chair, a Hearing Panel, and the Complainant and the Respondent under these Procedures shall be stayed. If the Complainant and the Respondent mutually agree upon an informal resolution of the Complaint, that resolution will be recorded in writing, and any terms may be adopted immediately. The Complaint will be closed with no ability to later rescind or appeal the informal resolution.

- A. An unsuccessful attempt to reach an informal resolution at this stage of initiation of the review, or during such review, will not prejudice the Complainant or the Respondent in the application of these Procedures or in the outcome of these Procedures.
- B. Notwithstanding the foregoing, the E&J Chair reserves the right, in his / her judgment and discretion, to deny a request to pursue informal resolution of a Complaint if the nature, seriousness, and/or other factors concerning the Complaint indicate that such Complaint should not be subject to informal resolution.
- C. A Complainant may seek an informal resolution of a Complaint after the review of the Complaint and during the process of resolution of a Complaint with or without a Hearing under these Procedures, provided that if an informal resolution is then commenced, it must meet the prerequisites stated in Section 6. (i), (ii), and (iii), and neither the Complainant nor the Respondent can thereafter request to return to the process of resolution with or without a Hearing under these Procedures (i.e., the request to seek an informal resolution cannot be rescinded under such circumstances).

7. Resolution of a Complaint Without a Hearing

Following the review, the E&J Chair will conclude whether a violation of any USA Table Tennis policy, procedure, rule or regulation, Code of Conduct, the USA Table Tennis Bylaws, the Ted Stevens Act, or the USOPC Bylaws relating to the USA Table Tennis's recognition as a National Governing Body has occurred. The E&J Chair may consult with the E&J Committee as necessary in this process in the judgment of the E&J Chair. USA Table Tennis conducts its reviews with a preponderance of the evidence standard of proof, meaning that a matter can be considered a violation if it appears by a preponderance of the evidence (i.e., more likely than not) that a violation occurred.

The E&J Chair will send a notice to the Complainant and the Respondent informing both the Complainant and the Respondent of the determination on the Complaint and alleged violation(s) and, if a violation(s) was / were confirmed, any disciplinary action(s) or sanction(s) that are to be assessed as part of the determination. The E&J Chair may impose a sanction or discipline that is appropriate and proportionate in his / her judgment and discretion in view of all of the circumstances, which sanction or discipline may include, but is not limited to, the following:

- Warning;
- Probation;
- Fines;
- Limitations on access to USA Table Tennis facilities, programs, events, or activities;
- Restrictions while at USA Table Tennis facilities, programs, events, or activities;
- Loss of funding;
- Loss of access to services;
- Loss of Elite Athlete Health Insurance;
- Suspension for a specified duration;
- Lifetime ban / permanent ineligibility; and/or
- Performance of a specified task(s), such as a formal written and/or oral apology or completion of training or education on issues or concerns such as, e.g., ethics or non-discrimination.

If any of the disciplinary actions will impact a Respondent's opportunity to participate or right to compete as stated in Section 8.B. of these Procedures, the notice will include information about the proposed discipline and how the Respondent may request a Hearing within a reasonable time before such discipline takes effect and will state the date by which a Hearing request must be filed. If the review concludes that an employee of USA Table Tennis has retaliated against an individual for reporting an allegation of physical abuse, sexual harassment, or emotional abuse, the employee will be immediately terminated or suspended without pay as required by the Ted Stevens Act.

As required by the Ted Stevens Act, in no case will USA Table Tennis declare an amateur athlete, coach, trainer, manager, administrator, or official ineligible to participate in amateur athletic competition without the opportunity for a Hearing. However, should a Respondent communicate that he / she / they accept such discipline with no Hearing, or does not request a Hearing prior to the deadline communicated in the notice of determination, the Respondent will be deemed to have waived their opportunity for a Hearing.

At any point after receiving notice of a review, the Respondent may seek to informally resolve a Complaint through the E&J Chair pursuant to, and subject to, the requirements and limitations of Section 6 of these Procedures. If the Complainant and the Respondent mutually agree upon an informal resolution of the Complaint, that resolution will be recorded in writing, and any terms may be adopted immediately. The Complaint will be closed with no ability to later rescind or appeal the informal resolution.

8. Resolution of a Complaint by Hearing

The following types of Complaints are reviewable by a Hearing Panel under these

Procedures:

A. Administrative Complaints in Section 3.A. (ii.) and (iii.) of these Procedures

A Complainant filing a Complaint pursuant to Section 3. A. (ii.) or (iii.) of these Procedures (i.e., a Complainant who alleges that USA Table Tennis is not compliant with its obligations under USA Table Tennis Bylaws, the Ted Stevens Act, or the USOPC Bylaws) may seek a Hearing against USA Table Tennis to review the alleged non-compliance and, if non-compliance is found, compel compliance. There is no obligation that a Complainant exhaust remedies under this provision of these Procedures before reporting a Complaint to the USOPC through its Integrity Portal or proceeding to the process set forth in USOPC Bylaws Section 10.

B. Opportunity to Participate / Right to Compete Complaint

A Complainant filing a Complaint included in Section 3.B. of these Procedures may seek a Hearing for such Complaint against USA Table Tennis for any alleged denial, or alleged threat to deny, of that individual's opportunity to participate or right to compete in a USA Table Tennis sanctioned amateur athletic competition. The option to seek a Hearing also applies to: (i) any Complaint included in Section 3.A.(i) of these Procedures if the Complaint involves any alleged denial, or alleged threat to deny, of that individual's opportunity to participate or right to compete as stated herein; and (ii) any Respondent if a disciplinary action against him / her / them will impact an opportunity to participate or right to compete as stated in Section 7 of these Procedures. For purposes of this Section, if the amateur athletic competition in question is a Protected Competition as defined by the USOPC Bylaws, there is no obligation to exhaust remedies through a USA Table Tennis Hearing Panel before proceeding to the process set forth in USOPC Bylaws Section 9 or to binding arbitration using the established provider of arbitration services designated by the USOPC.

C. Background Check Review ("Red Light" Review)

An individual who is preliminarily ruled disqualified from participation in USA Table Tennis activities as a result of a "Red Light" finding (see USA Table Tennis's Background Check Policy) on a background check, or a self-disclosure of a felony or misdemeanor that would otherwise trigger a "Red Light" finding, may request a Hearing under these Procedures.

The following types of Complaints are **not** reviewable by a Hearing Panel under these Procedures, even if it may impact an individual's opportunity to participate or right to compete:

D. A Complaint filed pursuant to Section 3.A.(i) of these Procedures; i.e., a Complaint that alleges any violation of, or Complaint concerning USA Table Tennis policy, procedure, rule or regulation, including any USA Table Tennis Code of Conduct, the USA Table Tennis Conflict of Interest Policy, and USA Table Tennis Ethics Policies, shall not be reviewable through, or the subject of a Hearing under these Procedures, except as provided in Section 8.B. above for Opportunity to Participate / Right to Compete Complaints.

- E. Employee Complaints: Any issue concerning the hiring, firing, or any other employment matter of any employee or contractor of USA Table Tennis shall not be reviewable through, or the subject of a Hearing under these Procedures.
- F. Field of Play Decisions: The final decision of an umpire or 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 umpire or referee) shall not be reviewable through, or the subject of a Hearing under these Procedures unless the decision is outside the authority of the umpire or referee to make under the rules of the competition, or the product of fraud, corruption, partiality, or other misconduct of the umpire or referee. For purposes of these procedures, the terms “umpire” and “referee” shall include any individual with discretion to make field of play decisions.
- G. SafeSport Violations: Any decision concerning a SafeSport violation adjudicated by the US Center for SafeSport, or adjudicated by USA Table Tennis under past procedures prior to the existence of the Center, shall not be reviewable through, or subject to a Hearing under these Procedures.
- H. Anti-Doping Violations: Any decision concerning a doping violation adjudicated by the United States Anti-Doping Agency (USADA) shall not be reviewable through, or subject to a Hearing under these Procedures.

9. Hearing Procedures

- A. Administration of Hearing Process. The E&J Committee shall generally oversee the administration of the Hearing process. E&J Committee members are subject to the USA Table Tennis Conflict of Interest Policy and shall comply with the Conflict of Interest Policy and Section 5.B. of these Procedures, including through recusal as necessary.
- B. Requesting a Hearing. A Complainant may initiate a request for a Hearing by submitting a Request for a Hearing Form (See Appendix B). The Request for a Hearing Form shall be submitted to the E&J Chair, who will initiate the Hearing process.

C. Hearing Panel

Upon the filing of a Complaint, the E&J Chair, or another member of the E&J Committee if the E&J Chair has a conflict of interest, will appoint a Hearing Panel consisting of three (3) disinterested members of the E&J Committee, or other disinterested individuals if there are insufficient E&J Committee members, to hear the Complaint. The E&J Chair will also appoint a chair of the Hearing Panel from among the three panelists selected. The E&J Chair may select himself / herself as a member of the panel, including as chair. At least one member of the Hearing Panel will be an individual meeting the definition of a USA Table Tennis 10 Year Athlete as defined by the USOPC Bylaws. The Hearing Panel has the authority to rule on all motions, requests, and other matters raised in the proceedings.

The Complainant and the Respondent shall be informed of the Hearing Panel composition following their appointment. The Complainant or the Respondent may object to the appointment of any member of the Hearing Panel on the grounds of bias or conflict of interest which the party believes to be disqualifying. The objection, along with relevant information, will be provided to the E&J Committee to review potential grounds for disqualification. The E&J Committee will timely render a determination of whether the appointed Hearing Panel member should be disqualified, and, if the Hearing Panel member is disqualified, a replacement Hearing Panel member will be appointed by the E&J Chair.

Throughout this process, all members of the Hearing Panel are subject to, and shall comply with, the USA Table Tennis Conflict of Interest Policy and shall adjust their involvement, including by recusal or withdrawal as necessary, in accordance with that Policy.

All communications with a Hearing Panel, and the E&J Chair and the E&J Committee, as necessary, must be in writing and directed to the chair of the Hearing Panel, or E&J Chair or E&J Committee as applicable, with a copy provided to the other parties (i.e., the Complainant and the Respondent). There shall be no ex parte communications with the Hearing Panel, the chair of the Hearing Panel, the E&J Chair, or the E&J Committee.

D. Conduct of the Hearing

i. Notice of the Complaint

The Hearing Panel will provide written notice to the Respondent (and to all known affected parties in Opportunity to Participate / Right To Compete Complaints) that a Complaint has been filed against him / her / it (if an organization), along with a copy of the Complaint and any attachments that were provided. The notice will be delivered to the Respondent within seven (7) business days following USA Table Tennis's receipt of a properly filed Complaint unless there is just cause for delay, or in the case of an expedited proceeding, for which notice will be delivered as soon as reasonably possible. The notice will include relevant procedural information, including Hearing procedures, rights and conduct expected of the parties in the Hearing, and possible discipline should the Complaint be sustained (i.e., found true), and applicable deadlines for the Hearing proceedings.

ii. Answer

The Respondent will be provided with an opportunity to provide an answer to Complaint addressing the allegations made against him / her / it in accordance with the deadlines set in the notice. The deadline shall be reasonable, and provide the Respondent with sufficient time to prepare a defense.

iii. Motion to Dismiss

A Respondent may file a motion to dismiss the Complaint. The Complainant will be provided with an opportunity to respond to the motion and oral argument

may be held at the request of the Complainant or Respondent and at the discretion of the Hearing Panel.

iv. *Representative and Legal Counsel*

A Complainant, Respondent, or witness may have an advisor and/or legal counsel present during a Hearing, at his or her own expense. The Hearing Panel may implement reasonable measures and parameters regarding the role of any advisor and/or legal counsel to reflect that an advisor and/or legal counsel has an advisory role and may not dominate or disrupt the proceedings or be a substitute for the Complainant's, Respondent's, or witness's necessary participation in the Hearing.

v. *Pre-Hearing Conference/Hearing Schedule*

The Hearing Panel will hold a pre-Hearing conference with the Complainant and the Respondent as soon as practicable. In the pre-Hearing conference, the Hearing Panel will generally discuss with the Complainant and the Respondent a schedule for the proceeding, including any deadlines for submissions, and set a date and time for the Hearing. The date and time of the Hearing shall be such that it is practicable for the Complainant and the Respondent to attend.

vi. *Exchange of Information*

In advance of the Hearing, the Hearing Panel may require the Complainant and the Respondent to exchange information, a list of anticipated witnesses with a brief description of expected testimony, and any exhibits that the Complainant and the Respondent anticipate using at the Hearing.

vii. *Conduct of the Proceeding*

If the matter is not otherwise resolved prior to the Hearing date, a Hearing will be held on the merits. The Complainant and the Respondent 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 information, positions, or arguments as desired. Testimony of the Complainant, Respondent, and witnesses shall be taken under oath or affirmation with acknowledgement that the providing of false testimony or evidence under these Procedures is grounds for disciplinary action by USA Table Tennis under these Procedures. The Hearing Panel has the discretion and authority to make reasonable accommodations to these Procedures for conduct of the proceeding, including by way of example but not of limitation, with respect to a minor who is called to testify so that cross-examination is conducted through the Hearing Panel chair rather than a party (see Section 4.E.). Rules of evidence generally accepted in administrative proceedings will apply, however the legal rules of evidence applicable to litigation in court do not apply. The Hearing Panel will determine the admissibility, relevance, and materiality of the evidence offered and the 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 Complainant or the Respondent at any time.

The Hearing will be conducted virtually (by teleconference or videoconference), unless the Hearing Panel determines that an in-person Hearing is necessary.

viii. Record of the Proceeding

Any party may have a record made of the Hearing. A stenographer may be present at the Hearing at the request of a party. The stenographer will be paid for by the party requesting the stenographer, or if mutually agreed, the cost may be equally divided. Any transcript will be paid for by the party requesting the transcript.

ix. Standard of Review

The Complainant has the burden of proof to prove the validity of the Complaint and entitlement to relief, with the standard of evidence and proof being by a preponderance of the evidence (i.e., more likely than not).

For matters involving the adjudication of a violation that merits sanctions or disciplinary action, the Hearing Panel will determine a sanction or discipline that is appropriate and proportionate in the Hearing Panel's judgment and discretion in view of all of the circumstances.

x. Sanctions

For disciplinary actions, the Hearing Panel may impose a sanction or discipline that is appropriate and proportionate in the Hearing Panel's judgment and discretion in view of all of the circumstances, which sanction or discipline may include, but is not limited to, the following:

- Warning;
- Probation;
- Fines;
- Limitations on access to USATT facilities, programs, events, or activities;
- Restrictions while at USATT facilities, programs, events, or activities;
- Loss of funding;
- Loss of access to services;
- Loss of Elite Athlete Health Insurance;
- Suspension for a specified duration;
- Lifetime ban / permanent ineligibility; and/or
- Performance of a specified task(s), such as a formal written and/or oral apology or completion of training or education on issues or concerns such as, e.g., ethics or non-discrimination.

The Hearing Panel is not restricted or bound to any sanction or discipline requested by the Complainant, nor is it restricted or bound because of any previous sanction or disciplinary action imposed after a past review under these Procedures.

xi. Decision

A decision will be determined by a majority of the Hearing Panel and will be effective immediately, unless otherwise stated.

xii. Appeal Rights

For Opportunity to Participate / Right to Compete Complaints and Background Check Reviews, a party not satisfied with a decision rendered under these Procedures may appeal a decision of the Hearing Panel to the arbitral body designated by the United States Olympic and Paralympic Committee ("USOPC") to hear disputes pursuant to the designated rules for a final and binding decision. The arbitrator appointed by that body will have the authority to hear the matter anew or, if requested by a party and agreed to by the arbitrator after input from all parties, to render a decision based on a more limited scope of review of the matter. Either party may submit the decision of the Hearing Panel to the arbitrator for the arbitrator's consideration.

For Opportunity to Participate / Right to Compete Complaints involving a Protected Competition, a Complainant or affected party may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously upon filing, the individual may file a demand for arbitration with the arbitral body designated by the USOPC for a final and binding decision in the matter.

For Administrative Complaints under Section 3.A.(ii) and (iii) of these Procedures and under Section 3.C. (Background Check Review) of these Procedures, a Complainant may file an appeal by way of a complaint with the USOPC under Section 10 of the USOPC Bylaws and shall follow the procedures set forth therein.

There shall be no appeal rights for Complaints other than Complaints stated in this Section 9.D.xii. In such Complaints (i.e., those other than Complaints stated in this Section 9.D.xii.), the decision of the E&J Chair or the Hearing Panel shall be final and binding and not subject to appeal.

APPENDIX A COMPLAINT FORM

USA TABLE TENNIS COMPLAINT FORM

(For submission of a Complaint to the USA Table Tennis Ethics and Judicial Committee)

COMPLAINT INSTRUCTIONS:

- For information on completing this Form, please see the USA Table Tennis Complaint Resolution and Discipline Procedures, including specifically Section 4 of such Procedures.
- A filing fee must be submitted to USA Table Tennis at the time of filing the Complaint (\$250 for individuals and \$500 for organizations). See USA Table Tennis Complaint Resolution and Discipline Procedures Section 4.C. (Specific fee submission instructions and payment options are available by contacting the USA Table Tennis Ethics and Judicial Committee Chair.)

USA TABLE TENNIS COMPLAINT FILING FORM:

Please list the names of any person(s) or party(ies), including yourself, who may have experienced or have been directly affected by the conduct, behavior, or alleged policy, procedures, rule, regulation, Code, or Bylaws violation leading to the Complaint; the person(s) or party(ies) who are alleged to have engaged in the conduct, behavior, or alleged violation; and any other person(s) or party(ies) who may have witnessed the foregoing. (If any of the involved person(s) or party(ies) are under the age of 18, please also provide the names of their parents or guardians).

Person / Party: _____

Person / Party: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Email: _____

Email: _____

Person / Party: _____

Person / Party: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

Email: _____

Email: _____

Complaint Filed Because of a Specific Violation:

Type of Complaint – See USA Table Tennis Complaint Resolution and Discipline Procedures, Sections 3.A., 3.B., and 3.C.:

Please reference the relevant USA Table Tennis Policy, Procedure, Rule, Regulation, Code of Conduct, Code of Ethics, USA Table Tennis Bylaws, Ted Stevens Act, or USOPC Bylaws provision alleged to have been violated:

Summary of Facts and Description of the Alleged Conduct, Behavior, or Policy, Rule, Code, or Bylaws Violation, including relevant dates or time periods (please add attachments as needed):

Name of Club, Tournament, or Event Venue (if applicable):

Have you previously been in contact with USA Table Tennis staff regarding this Complaint? If yes, please provide the name of the USA Table Tennis staff member and a brief summary of the previous contact.

Have you discussed this Complaint with the officers, owners, or management of the club, tournament, or event venue identified and made any attempt to resolve the Complaint? If so, please provide a brief summary.

State the remedy requested:

Supporting documents may be attached to this Form.

By submitting this Complaint, I / we hereby verify that the information I / we have provided and attached are true and correct to the best of my knowledge, information and belief.

Signature: _____

Date: _____

(Please note if you are signing on behalf of additional persons or a group)

*** Note: Anonymous Complaints will be accepted, however the USA Table Tennis Ethics and Judicial Committee's ability to proceed with review of a Complaint submitted anonymously may be hindered or prevented if the anonymous Complaint contains inadequate information for the Committee to proceed.**

**APPENDIX B
REQUEST FOR HEARING FORM**

**USA TABLE TENNIS
REQUEST FOR A HEARING FORM**

Individuals who wish to request a hearing in accordance with the USA Table Tennis Complaint Resolution and Discipline Procedures must complete this Form and submit it to the USA Table Tennis Ethics & Judicial Committee Chair in a timely manner in accordance with the Procedures.

Complainant Information:

Full Name: _____

Contact Email: _____

Contact Phone: _____

Hearing Requested (mark applicable Complaint type for which hearing is requested):

_____ Administrative Complaint

_____ Opportunity to Participate / Right to Compete Complaint

_____ Background Check Review ("Red Light" Review)

Alleged Grounds of Violation / Non-Compliance

--

Supporting Evidence

Please describe any supporting evidence you have for your allegations. Documentation and electronic media may also be submitted with this form.