



COMPLAINT AND GRIEVANCE PROCEDURES 03/24

Designation of Complaints/Grievances

The following kinds of complaints may be filed with USA Pentathlon MultiSport:

- a. Administrative Grievance. USA Pentathlon MultiSport or any member of USA Pentathlon MultiSport may file a complaint pertaining to any matter within the cognizance of USA Pentathlon MultiSport, including but not limited to any alleged violation of or grievance concerning: (i) any USA Pentathlon MultiSport rule or regulation, (ii) any provision of USA Pentathlon MultiSport's Bylaws, or (iii) any alleged non-compliance of USOPC Bylaws or provision of the Ted Stevens Olympic and Amateur Sports Act relating to USA Pentathlon MultiSport's recognition as a National Governing Body;
- b. Right to Compete. 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 compete in a USA Pentathlon MultiSport sanctioned competition or USOPC Protected Competition.
- c. Violations of the Minor Athlete Abuse Prevention Policies ("MAAPP") are also violations in which the U.S. Center for SafeSport would have discretionary jurisdiction over.
- d. Violations of the USA Pentathlon Multisport Code of Conduct.

Manner of Filing

The complainant shall file the complaint with the Chair of the Judicial Committee and CEO/Managing Director of USA Pentathlon MultiSport. The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged grievance, denial, threat to deny, or grounds of violation or non-compliance and (ii) the remedy/relief requested. The complainant shall sign the complaint with their full name and identifying membership information and the complainant may attach supporting evidence and documentation to support the allegation when filing a complaint.

Filing Fee

A complaint filed by an individual shall be accompanied by a \$250.00 filing fee. A complaint filed by an organization shall be accompanied by a \$500.00 filing fee, except that USA Pentathlon MultiSport is not required to pay a filing fee. The complainant may request that the filing fee be reduced or waived for

reasons of significant financial hardship. If such request is made, the Judicial Committee shall determine whether or not to reduce or waive the filing fee.

Statute of Limitations

A complaint filed under these Bylaws, where USAPM has sole jurisdiction shall be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

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) shall not be reviewable through the procedures for, or the subject of, Administrative Grievances or Right to Compete Complaints 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.

Administration

The Judicial Committee shall generally administer and oversee all administrative grievances and right to compete matters filed with USA Pentathlon MultiSport. The Judicial Committee shall be responsible for ensuring that all complaints are heard in a timely, fair and impartial manner. The Judicial Committee may promulgate procedures in addition to those set forth in these Bylaws for the effective administration of complaints filed with USA Pentathlon MultiSport. Such procedures, if any, shall be provided within two weeks of the complaint being filed.

USA Pentathlon MultiSport does not condone retaliation of any type or kind, or in any manner. USA Pentathlon MultiSport specifically prohibits retaliation against any complainant and other protected parties. "Retaliation" means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with—

- (A) the Center;
- (B) a coach, trainer, manager, administrator, or official associated with the corporation;
- (C) the Attorney General;
- (D) a Federal or State law enforcement authority;

(E) the Equal Employment Opportunity Commission; or

(F) Congress

Temporary Restrictions

Temporary measures are imposed or adopted on a case-by-case basis and take all currently available information into account. Temporary Restrictions are only implemented when necessary and are narrowly tailored to mitigate the specific, potential risks posed – either to a specific individual(s) or to the broader sport community. The imposition of Temporary Restrictions is *not* a finding that misconduct occurred, but rather a precautionary measure taken to mitigate potential risks; and Temporary Restrictions can be modified or removed as information and evidence is obtained throughout the investigative process. For more information regarding how SafeSport assesses the need for Temporary Measures, see Section XII of the [SafeSport Code](#).

Hearing Panel

Upon the filing of a complaint, the chair of the Judicial Committee, after consultation with the other Committee members, shall, within 30 days of the filing of a complaint, appoint and disclose a hearing panel consisting of three (3) individuals to hear the complaint. The Judicial Committee shall also appoint a chair of the hearing panel. Judicial Committee members may be appointed to and serve on the hearing panel, these members must be disinterested. Other disinterested, unbiased and impartial individuals identified by the Judicial Committee may also be appointed to serve on the hearing panel. There shall not be less than 33 1/3% athlete representation (10 Year athlete) and at least one (1) member of the hearing panel shall be an athlete. Members of the panel need not be members of USA Pentathlon MultiSport or involved in the sport of modern pentathlon. The hearing panel members, upon seating, will be disclosed to the complainant/respondent.

Any conflicts raised concerning an individual on the hearing panel shall be resolved by the full Judicial Committee upon notice of a conflict or potential conflict.

Conduct of the Proceeding

The Hearing Panel shall investigate and rule on all motions and other matters raised in the proceeding and prehearing process. Any basis for dismissing the complaint without a hearing called a, “Motion of Dismissal” of a Grievance/Complaint shall be heard by the hearing panel. If the complaint does not satisfy the criteria specified in these Procedures, the complaint will be dismissed. The Complainant and any other party who has been given notice of the complaint will be advised of any such dismissal. If the complaint is not dismissed, the hearing panel shall hold a hearing on the complaint. The hearing panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The hearing shall be informal, except that testimony shall be taken under oath.

The USAPM shall provide notice of the proposed action, charges, or alleged violation in writing with the supporting documentation filed and the consequences or remedy requested if found to be violated by

any affected third party. Delivery of the notice to the third party shall be within a reasonable time after receipt by USA Pentathlon MultiSport, not to exceed fourteen (14) business days, without just cause for delay. The third party (Respondent) shall have an opportunity to submit an answer stating reasons why the matter should not be taken on by USA Pentathlon MultiSport or requesting a reasonable time to prepare an answer/defense. The USAPM shall deliver the answer to the complainant and hearing panel with the identity of any witnesses that will appear at the hearing.

The real time hearing may be conducted by teleconference, if necessary or at a time and place convenient to the parties. All parties will be provided all evidence in advance of the hearing (at least 30 days unless mutually agreed by all parties) in order to prepare. Each party shall have the right to appear personally or through a legal representative. All parties shall be given a reasonable opportunity to present and examine evidence, documents, cross-examine witnesses and to present argument. Members of the hearing panel shall have the right to question witnesses or the parties to the proceeding at any time. The hearing shall be held within a reasonable time, not to exceed ninety (90) days after the last filing with USA Pentathlon MultiSport, without just cause for delay.

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

Expedited Procedures

Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Judicial Committee is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the hearing panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved. Notice of expedited procedures will be provided to all affected parties immediately upon the decision to expedite.

Complaints Involving Selection to Participate in a Competition

Where a complaint is filed involving selection of an individual to participate in a competition, the complainant shall include with the complaint a list of all other individuals, together with their contact information, that may be adversely affected by a decision rendered on the complaint. The hearing panel shall determine which additional individuals must receive notice of the complaint. The complainant shall then be responsible for providing appropriate notice to these individuals within 7 days of receiving the list of affected individuals unless expedited procedures are followed. In such case, affected individuals must be notified immediately upon the decision to expedite. Any individual so notified then shall have the option to participate in the proceeding as a party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the hearing panel even though the individual chose not to participate as a party.

Decision

A decision shall be determined by a majority of the hearing panel. The hearing panel's decision shall be in writing and distributed to the parties within one week of the decision.

Arbitration

Any party may appeal a decision of the hearing panel to the American Arbitration Association. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the hearing panel to the arbitrator for the arbitrator's consideration. The arbitrator may give whatever weight or authority to the hearing panel's decision as the arbitrator deems appropriate. Individuals have 30 days from the date of the decision to file an appeal of the decision.

USOPC Ombudsman.

USA Pentathlon MultiSport must provide access to the USOPC Athlete Ombudsman Office to its athletes through its website. Contact the USOPC Chief Ethics and Compliance Officer for further information regarding your rights. The USOPC Ombuds Office contact information is:

USOPC Athlete Ombudsman, (719) 866-5000 or by email at ombudsman@usathlete.org.