

**USA TAEKWONDO, INC.
ETHICS and JUDICIAL COMMITTEES
COMPLAINT and HEARING PROCEDURES**

October 13, 2023

SECTION 1.

INTRODUCTION

The following Complaint and Hearing Procedures (“Procedures”) apply to complaints that are filed with USA Taekwondo (USAT) and fall within the jurisdiction of the Judicial Committee or the Ethics Committee. Any person who falls within the governance of USAT by virtue of becoming a member or participating in USAT-sanctioned events agrees to be subject to these complaint procedures.

SECTION 2.

JURISDICTION

The USAT Judicial Committee and Ethics Committee (collectively “the Committees”) are created and are governed by the USAT Bylaws, Code of Ethics, and Safe Sport Strategy, Policies, & Procedures (“the Safe Sport Policy”). The purpose of these Complaint and Hearing Procedures is to provide a mechanism for adjudicating cases that fall within any of those policies, and nothing in these Procedures shall be construed as expanding or limiting the jurisdiction of the Committees.

SECTION 3.

COMPLAINTS

A Complaint alleging violation of the Ted Stevens Olympic and Amateur Sports Act, USOPC Bylaws, USAT Articles of Incorporation, Bylaws, any USAT rule, Code of Conduct, Safe Sport Policy, USAT Code of Ethics, Conflict of Interest Policy, or rule providing for the opportunity of an athlete or other person to participate in any competition shall:

§3.1 Identify the individual against whom the complaint or grievance is filed including, where available, the membership number of the individual, and set forth a statement in clear and concise language of the conduct (or omission) that is alleged to constitute a violation;

§3.2 Identify the specific document and provision that the Complainant alleges has been violated;

§3.3 Be signed by the person making the Complaint, who shall attest to its validity, under express affirmations that all factual statements contained in the Complaint are true to the best of the Complainant’s knowledge, information and belief. A Safe Sport complaint may be filed anonymously without the attestation or the information requested in Section 3.4, but the absence of such information may impede or prohibit pursuit of the Complaint.

§3.4 Provide a telephone number and sufficient contact information for the Complainant or the Complainant’s counsel or legal representative (such as a parent or guardian) to permit the exchange of information in written or electronic form (address or e-mail), together with such contact information as the Complainant may have for the Respondent;

§3.5 Be accompanied by a fee of \$250, except in cases of alleged ethics complaints and

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Complaints filed by the Chief Executive under Section 3.9 below, which shall require no filing fee; and

§ 3.6 Filed with the Chief Executive of USAT and the Chair of the USATKD Ethics Committee.

§ 3.7 State the specific relief being sought.

§3.8 Either Committee may waive immaterial defects in any Complaint and deem a Complaint filed in advance of correction of such defects.

§3.9 The Chief Executive of USAT or his/her designee may file a Complaint naming USAT as the Complainant.

§ 3.10 The Complainant may attach to the complaint any documentary or other support regarding the alleged violation.

The Complaint may be submitted using the online form provided through www.usatkd.org

SECTION 4.

COMPLAINT DISTRIBUTION

Upon receipt of a Complaint, the Complaint shall be distributed and served as follows:

§4.1 The Chief Executive or the Committee Chair (for Complaints filed with a Chair) shall within ten days (or within 24 hours for a right to compete matter) forward a copy of the Complaint to the other, as well as to the proper Committee. If a Complaint alleges misconduct under rules over which both the Ethics Committee and Judicial Committee have jurisdiction, the Complaint shall be forwarded to both Committees.

§4.2 The Committee Chair, or his/her designee, shall perform an initial review of materials provided with the complaint to ensure that the Complaint is complete under the provisions of Section 3 and that it is not frivolous or beyond the Committee's jurisdiction on its face.

§4.3 Either Committee may dismiss a Complaint that fails to comply with the provisions of Section 3 fourteen days after giving the Complainant notice of deficiencies and an opportunity to cure them. Either Committee may dismiss a Complaint on the basis of written finding that it is frivolous or beyond the jurisdiction of the Committee on its face.

§4.4 If the Complaint is not dismissed upon initial review by the Committee, the Committee shall instruct the Complainant to serve the Complaint together with a copy of these procedural rules, within not more than fourteen days of filing, by certified mail, return receipt requested or by e-mail at any member's registered e-mail address,.

§4.5 The Respondent(s) shall have fourteen days from service to file a written response to the Complaint, if he/she wishes, or such shorter time as the Committee Chair shall require where the nature of the Complaint requires expedited procedures. The failure to file a written response shall be deemed to constitute a waiver of any right the Respondent(s) might otherwise have to a hearing on the Complaint. The Respondent shall serve a copy of the response on the Complainant at the

address set out in the Complaint.

§4.6 After the initial review has been completed and the complaint accepted, the Committee Chair shall assign the Complaint to a Hearing Panel of three (3) members, at least one of whom shall be an athlete satisfying the requirements of the USOPC Bylaws. Hearing Panel members may be (but are not required to be) members of the Committee, and they need not be “Independent” as that term is defined in the USAT Bylaws. However, all Hearing Panel members shall be impartial, disinterested and shall be free of any actual or apparent conflict of interest. The Hearing Panel members shall expressly confirm that they have no known conflicts, and shall disclose upon appointment any potential appearances of impropriety.

Following the initial assignment of the Hearing Panel and the Panel members’ confirmation of the absence of any conflicts, the names of the Panel Members shall be transmitted to the parties, who shall have the right to challenge, within seven days, the service of any Panel member(s) on the basis of actual or apparent conflicts of interest. The Ethics Committee shall determine any challenge to the appointment of a Hearing Panel member.

SECTION 5. SANCTIONS

A Hearing Panel, after conducting such investigation or hearings as they may determine to be necessary, may recommend imposition of any of the following sanctions or resolutions:

§5.1 Dismiss the Petition with or without permission to re-file;

§5.2 Censure a party, publically or privately;

§5.3 Establish a period of probation, with or without conditions;

§5.4 Deny, grant, suspend or restore the eligibility or right to compete or participate of any member of USAT;

§5.5 Issue such interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision; and

§5.6 Determine the results of, or require a rerun of, any election held or any constituent element thereof;

§5.7 Deny, grant, suspend or restore membership in USAT for a definite or indefinite period of time, with or without terms of probation, or expel any member of USAT, including any administrator, athlete, coach, trainer, manager, meet director, official, officer, Board Member, coordinator, chair or member of any committee or sub-committee;

§5.8 Assess actual costs to the prevailing party or refund any filing fee paid by the prevailing party; and

§5.9 Assess sanctions in any combination of the foregoing or assess any other remedies deemed appropriate under the circumstances.

**SECTION 6.
DOPING DECISIONS**

Neither Committee shall have any jurisdiction to adjudicate complaints that fall within the exclusive jurisdiction of the United States Anti-Doping Agency or the doping rules of the World Taekwondo Federation.

**SECTION 7.
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, or the subject of, these complaint procedures unless the decision is: 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.

**SECTION 8.
PRELIMINARY HEARING and TEMPORARY ORDERS**

In appropriate cases, the Committee Chair, after an initial investigation and after providing the Respondent an opportunity to be heard, may impose such temporary orders as may be necessary for the good of the sport of Taekwondo and the protection of members. The temporary order may encompass any remedy or order permissible in a final decision (except expulsion).

**SECTION 9.
HEARINGS**

§9.1 The Chair of the Hearing Panel shall preside over any hearing ordered by the Hearing Panel. Upon receipt of Complaint and a response (if any), the Chair shall conduct a preliminary conference during which the Panel shall impose dates for (a) any hearing the Panel deems necessary, (b) the exchange of all exhibits to be used as evidence, (c) the identification of witnesses, their contact information, and a brief statement as to the subject matter of their testimony, and (d) submission of hearing briefs if desired by the Panel. Any deadlines established in the preliminary conference shall allow sufficient time for any party to examine evidence so as reasonably to prepare for the hearing.

§9.2 The Panel may impose such sanctions as it may deem advisable for the failure of any party to comply with the procedural orders of the Panel.

§9.3 A hearing before the Hearing Panel may be held in person or telephonically. Any witness who testifies must be sworn upon that witness’s oath to testify truthfully. Where appropriate in the reasonable determination of the Hearing Panel Chair, the hearing may be conducted in part through

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written means and in part by testimony and oral argument, except that the Hearing Panel shall not consider any written or oral evidence that the opposing party has not been given an opportunity to rebut.

§9.4 The Complainant(s), the Respondent(s) and any other person participating in a hearing conducted by a Hearing Panel shall be entitled to be represented by counsel of their choice at their own expense.

§9.5 Judicial rules regarding admissibility of evidence shall not apply to the Hearing Panel, except that the Hearing Panel shall respect all lawful claims of privilege based on Colorado law.

§9.6 Any hearing, or a part thereof, shall be open to members of the Hearing Panel, any attorney advising the Hearing Panel Chair, the Complainant(s), the Respondent(s), any other real party in interest, their counsel and any witnesses except that the Hearing Panel shall exclude from the hearing any witnesses who have not testified if so requested by any party. The Hearing Panel Chair may, in the interests of justice and the sport of Taekwondo, direct the participants to keep the proceedings and the decision confidential and all or parts of the record of the hearing to be kept confidential by the Hearing Panel and USAT except such public sanctions as may be imposed.

§9.7 Except for emergency hearings, which shall not require agreement of the parties, the Hearing Panel Chair for the hearing may order, with the agreement of all parties, an accelerated hearing schedule in the interest of justice and the sport of Taekwondo.

SECTION 10.

PRE-HEARING PROCEDURES

The procedures to be followed in connection with all hearings of the Ethics Committee Hearing Panel shall be as follows:

§10.1 The Hearing Panel Chair shall issue a Preliminary Hearing Order setting out the deadlines established under Section 9.1.

§10.2 The Hearing Panel, may, upon motion and for good cause, amend any of the dates set out in the Preliminary Hearing Order.

§10.3 No party or party representative shall engage in any ex parte communication with the Hearing Panel Chair or members of the Hearing Panel. All requests for relief shall be made in writing and submitted to the Hearing Panel Chair and its members, with a copy to the opposing party or the opposing party's counsel.

§10.4 In addition to the items set out in Section 9 above, the Hearing Panel may impose such other procedural orders as it deems necessary to the efficient conduct of proceedings.

SECTION 11.

CONDUCT of HEARING

§11.1 Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities of traditional courtroom procedures. Any hearing shall be set in a manner that allows any party to participate in person or by videoconferencing.

§11.2 Absence of a Party –The hearing may proceed in the absence of any party who fails to be available at the duly noticed time and the hearing may proceed to judgment despite that person's absence. If the Hearing Panel Chair determines that in the interests of justice and the sport of Taekwondo the hearing cannot proceed without the absent party, the Hearing Panel Chair may adjourn the hearing and reschedule it for such time as the absent party can be present. Any subsequent absence may be taken into account by the Hearing Panel in reaching its decision, and the Hearing Panel may impose reasonable conditions on the missing party for continuation of the hearing.

§11.3 The hearing shall be conducted in the following manner, and the Hearing Panel may set reasonable time limits for each portion of the hearing:

§11.3.1 The Hearing Panel Chair shall open the hearing and conduct such preliminary matters as may be necessary.

§11.3.2 Each party shall have the opportunity to make a brief opening statement

§11.3.3 The Complainant shall call each of its witnesses for examination, which witnesses shall be sworn upon his/her oath, substantially as follows: “I do hereby swear or affirm under penalties of perjury that the testimony I give shall be true and complete.” In lieu of formal examination, the witnesses may make a statement after being sworn. Upon completion of each witness’s examination or statement, the opposing party(ies) or their counsel may cross-examine the witness. The Hearing Panel Chair shall have the power to limit the cross-examination as may be necessary to avoid the introduction of irrelevant evidence, to protect against harassment or intimidation of any witness, or to avoid repetitive testimony, except that the Chair may not completely bar the cross-examination of any witness. The Complainant shall then have the opportunity to conduct re-direct examination and any witness shall have the opportunity to make a concluding statement limited to the issues that were raised in cross-examination. No further examination or statements shall be permitted except as the Hearing Panel Chair may permit in his/her discretion.

§11.3.4 Following conclusion of the presentation of witnesses or witness statements by the Complainant, the Respondent shall have the opportunity to present witnesses in the same manner as above.

§11.3.5 Following the conclusion of the presentation of witnesses or witness statements by the Respondent, the Complainant shall have the opportunity to present witnesses in the same manner as above limited to new evidence that was presented by Respondent’s witnesses.

§11.3.6 Following conclusion of the Complainant’s rebuttal evidence, each side shall be permitted

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to give closing argument. The Hearing Panel Chair shall decide on the time limits for such closing arguments. The Complainant may divide closing argument time so as to permit rebuttal of the Respondent's closing argument.

§11.3.7 The Hearing Panel members may question any witness presented by the parties. The Chair of the Hearing Panel shall direct the order of such questioning and any follow-up questions by the parties.

§11.3.8 Within thirty days following completion of the hearing and within 90 days of receipt of the complaint that is an ethics complaint, the Hearing Panel shall issue a written decision and findings, serve it on the parties, and shall complete the hearing information form utilized by USAT. No failure to satisfy these requirements shall serve to invalidate any decision or to deprive the Hearing Panel of jurisdiction over the Complaint.

SECTION 12. ANTI- RETALIATION

No person shall engage in any retaliation against any person who files a complaint under these procedures or participates in the prosecution of such a complaint. For purposes of this policy, "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.

The violation of this Section shall constitute a violation of a USAT rule and shall be subject to sanctions hereunder.

SECTION 13. APPEALS

The decision of the Hearing Panel may be appealed to the Board of Directors or to an established major national provider of arbitration and mediation services based in the US and designated by the corporation with the concurrence of the USOPC AAC and the National Governing Bodies' Council as required by the Ted Stevens Olympic and Amateur Sports Act., but no appellant shall have the right to a hearing de novo before the Board of Directors. The decision of the Board of Directors shall be final. For purposes of Section 9 of the USOPC Bylaws, a party shall not be deemed to have exhausted his/her administrative remedies within USAT unless the party has sought relief from the Board of Directors and such relief has been adjudicated by the Board.

SECTION 14.

USOPC OMBUDS OFFICE

Persons who are involved in any disciplinary procedure may be able to obtain additional information or assistance through the office of the USOPC Ombuds, whose contact information and resources can be accessed at <https://www.teamusa.org/athlete-ombuds>, or at 1-888-ATHLETE.

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**USA-TKD Complaint and Hearing Procedure
Complaint Form**

Date: _____

Please state your name and membership number, and provide your telephone number and sufficient contact information (or information for your attorney or legal representative such as a parent or guardian) to permit the exchange of information in written or electronic form (address or e-mail):

Please identify the individual against whom the complaint or grievance is filed including, and if you have it, the membership number of the individual, as well as any contact information that you have for the individual:

Please set forth a statement in clear and concise language of the conduct (or omission) that is alleged to constitute a violation:

Please identify the specific document (Bylaws, rule, code, or policy) and provision that you believe has been violated:

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Please state the specific relief you are seeking:

This Complaint and any documents should be filed with SMcNally@usatkd.org, USA-TKD CEO and with The Hon. Jamie Klein (Ret.), Chair of the USA-TKD Ethics Committee, at JamieKlein44@usatkd.org. (If you are submitting this form online, it will be submitted to both individuals automatically.)

VERIFICATION

I hereby attest that all factual statements contained in the Complaint are true to the best of my knowledge, information and belief:

(Signature)

(Print Your Name)

Your complaint will not be accepted for filing unless all the information requested above is provided and you pay the filing fee of \$250.00.

Whistleblower and Anti-Retaliation Policy

No person shall engage in any retaliation against any person who files a complaint under these procedures or participates in the prosecution of such a complaint. For purposes of this policy, "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.

The violation of this policy shall constitute a violation of a USAT rule and shall be subject to sanctions hereunder