



GRIEVANCE PROCEDURES

Policy Owner: Compliance and Membership Services Manager, USABS

Effective Date: December 1, 2022

Introduction

The USABS Grievance Procedures are afforded to our community to uphold an environment that is fair and equitable, providing for clarity and consistency in the resolution of grievances. These Procedures comply with the Ted Stevens Olympic and Amateur Sports Act (“Act”), the Bylaws of the U.S. Olympic & Paralympic Committee (“USOPC”), and USOPC’s NGB Compliance Standards.

Retaliation, as defined in the USABS Whistleblower and Anti-Retaliation Policy, against an individual who files a grievance or otherwise participates in good faith in the process outlined in the USABS Grievance Procedures is prohibited. This applies to all Protected Individuals before, during, and after the process of resolving a grievance. Retaliatory activities will be considered a violation of the USABS Whistleblower and Anti-Retaliation Policy and may lead to serious consequences, including termination of employment or participation.

Section 1. Types of Grievances

The USABS Grievance Procedures support the following types of grievances as defined by the USABS Bylaws:

- a) **Administrative.** USABS or any member of USABS may file a grievance pertaining to any matter within the cognizance of USABS, including but not limited to any alleged violation of, or grievance concerning, (i) any USABS policy, rule or regulation, (ii) any provision of USAB’s Bylaws, (iii) alleged non-compliance of USOPC Bylaws, or (iv) alleged non-compliance of the Ted Stevens Act.
- b) **Right to Participate.** Any athlete, coach, trainer, manager, administrator or official may file a grievance pertaining to any alleged denial, or alleged threat to deny, of that individual’s opportunity to participate or compete in a Protected Competition or USABS sanctioned competition.
- c) **NGB Compliance.** Any USABS member may file a grievance alleging noncompliance with the USOPC’s Compliance Standards for National Governing Bodies.
- d) **Field of Play.** An Athlete may file a grievance related to a competition **only** if a field of play decision was (a) outside the authority of the officials’ authority to make it or (b) the product of fraud, corruption, partiality, or other misconduct of the official.

These Grievance Procedures **exclude** the following types of grievances:

- a) **Anti-Doping Violations.** A decision concerning a doping violation adjudicated by the independent anti-doping organization designated by the USOPC to serve as the U.S. National Anti-Doping Organization (currently the United States Anti-Doping Agency) shall not be reviewable through, or the subject of, these grievance procedures.
- b) **U.S. Center for SafeSport Matters.** A matter or decision under the jurisdiction of the independent safe-sport organization designated by Congress and/or the USOPC

(currently the U.S. Center for SafeSport) shall not be reviewable through, or the subject of, these grievance procedures. Allegations of emotional, physical, and sexual misconduct are subject to the policies and protocols of the USABS Athlete Safety Policy and the U.S. Center for SafeSport.

- c) **Nonpayment of Membership Dues.** A membership lapsed for the nonpayment of dues shall not be reviewable through these grievance procedures.

Section 2. Procedure to Report Grievances

- a) **Notice of Grievance Form.** The complainant (or the complainant's parent or legal guardian if a minor) shall file the grievance, unless otherwise specified in policy, via the Notice of Grievance form. The grievance shall set forth the following in clear and concise language, preferably in numbered paragraphs:
- the Complainant's full name and identifying membership information;
 - the identity, to the extent known by the Complainant, the individual(s) who is allegedly responsible for the act or omission that are the subject of the grievance;
 - the alleged grounds of violation or noncompliance (i.e. the specific rule, regulation, policy, provisions of the Act, or US Olympic Committee Bylaws, or NGB Compliance Standard the Complainant alleges has been violated);
 - brief description of any supporting evidence and/or documentation;
 - the remedy requested; and
 - if the grievance needs to be expedited pursuant to Section 4.

Note: USABS may serve as the 'complainant' in the grievance process.

- b) **Filing of Grievance Form.** The completed Notice of Grievance Form (with any supporting evidence and/or documentation attached) must be addressed and delivered via email to both of the following individuals:

Judicial Committee Chair Email: judicialcommitteechair@usabs.com
CEO Email: ceo@usabs.com

- c) **Grievances Involving Selection to Participate in a Competition.** Where a grievance is filed involving selection of an individual to participate in a competition, the complainant shall include with the grievance a list of all other individuals, together with their contact information, that may be adversely affected by a decision rendered on the grievance. The Hearing Panel shall determine which additional individuals must receive notice of the grievance. The complainant shall then be responsible for providing appropriate notice to these individuals. 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 if the individual chose not to participate as a party.
- d) **Deficiency Dismissal.** A grievance not submitted in accordance with these reporting procedures may be dismissed. If the deficiency(ies) can be rectified, USABS will provide the Complainant with notice of the defect(s) and provide a reasonable period of time to cure such defect(s). If the Complainant fails to cure within the time period provided, USABS may dismiss the grievance. USABS shall provide written notification of grievance

dismissal. If dismissed for failure to comply with any of the above requirements, the Complainant may re-file a new grievance that cures such deficiencies.

- e) **Statute of Limitations.** A grievance must be submitted within one-hundred and eighty (180) days after the Complainant knew, or had reason to know, of the occurrence of the underlying grievance.
- f) **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 grievance. In such a case, the Hearing Panel is authorized to hear and decide the grievance pursuant to such procedures as are necessary, but fair to the parties involved.

Section 3. Informal Resolution.

- a) In the event both the CEO and the Judicial Committee Chair believe the grievance may be able to be resolved through an Informal Resolution process; flexibility will be permitted in achieving a satisfactory outcome provided the following conditions are met and can be demonstrated:
 - i. all parties voluntarily agree to explore an Informal Resolution;
 - ii. all parties agree to the process of the Informal Resolution;
 - iii. Informal Resolution is resolved within thirty (30) business days from the filing of the Notice of Grievance Form;
 - iv. all parties receive written documentation of the Informal Resolution; and
 - v. all parties acknowledge via email their voluntary agreement to the Informal Resolution.
- b) Flexibility is given to all parties before and during the Administration of the Grievance process to acknowledge their interest in Informal Resolution.
- c) **Exception:** Informal Resolution shall not be utilized for matters that must be reported to, and/or are under the jurisdiction of, the U.S. Center for SafeSport, USADA, USOPC, law enforcement or any other relevant oversight body.

Section 4. Hearing Panel

- a) Upon the filing of a grievance, the Chair of the Judicial Committee, after consultation with the other Judicial Committee members, shall appoint three (3) disinterested and impartial individuals to serve as the hearing panel for the matter (the "Hearing Panel").
- b) The Hearing Panel will be comprised of at least one (1) athlete representative who shall meet the Athlete Representation requirements of USABS Bylaw Section 8.3; and two (2) additional individuals who may or may not be a member of USABS. Each Panel Member shall acknowledge review the Conflict of Interest Policy and disclose any potential conflicts prior to appointment. If there are no conflicts, the Chair of the Judicial Committee will make the appointments, identify an individual to serve as Chair of the

Hearing Panel, and then disclose the names of the hearing panelists to the Complainant, the Respondent, and USABS.

- i. Judicial Committee members, with exception of the Chair, may be appointed to the Hearing Panel.
 - ii. Other disinterested and impartial individuals identified by the Judicial Committee may also be appointed to and serve on the Hearing Panel.
 - iii. Members of the Hearing Panel need not be members of USABS or involved in the sports of bobsled or skeleton.
- c) The Hearing Panel shall have the responsibility to search for facts, collect evidence and gather documentation as needed to ensure a thorough understanding and exploration of the matter.

Section 5. Administration of the Grievance

In any hearing conducted pursuant to these Procedures, the parties shall be provided with the following fair process considerations:

5.01. Pre-Hearing Process

- a) **Notice of Grievance.** The notice of the charges or alleged violation(s), with specificity and in writing with the supporting documentation filed by the Complainant, and proposed actions, possible consequences or remedy requested if found to be in violation shall be delivered to the Respondent within a reasonable time after USABS receipt and no later than 14 business days, without just cause for delay;
- b) **Answer or Request to Dismiss.** Within 10 business days upon receipt of the Notice of Grievance, the Respondent may submit an answer, such as a reason why the matter should not be taken on by USABS via written response to the Notice of Grievance;
 - i. **Response.** Within 5 business days upon receipt of an Answer or Request to Dismiss, USABS will notify the Respondent of decision and will provide the Complainant with a copy of the Answer or Request to Dismiss filed, the decision, and the rationale for the dismissal, if applicable.
- c) **Summary Dismissal.** After the time for responding to the grievance has expired, or after receipt of responses from Respondent(s), whichever is sooner, the Hearing Panel may decide to dismiss the grievance on such grounds as it deems appropriate, including, but not limited to, the grievance does not fall within the jurisdiction of the Hearing Panel, the grievance fails to state a claim upon which relief may be granted, the time limitation period has expired, the grievance is moot, the grievance was satisfactorily resolved through an informal resolution process, and/or the grievance fails to identify a Respondent. All parties shall be notified should there be a summary dismissal. There is no appeal from a dismissal by the Hearing Panel; however, the Complainant may refile if the deficiency can be resolved.
- d) **Notice of Hearing.** If a hearing is deemed warranted by the Hearing Panel, the Respondent and Complainant shall both be informed of the pursuit of alleged violations within 30 business days upon the filing of the Notice of Grievance. The Notice of Hearing shall include the following:

- i. hearing date which provides for a reasonable time between receipt of the notice of grievance and the hearing with respect to the charges, within which to prepare a defense. The hearing date shall not exceed 90 days after the grievance filing, without just cause for delay;
- ii. notice of the opportunity to have a hearing before a panel consistent with the composition requirements of Section 3;
- iii. notice that the parties have the right to have a representative and if a party elects to have a representative that the name, relationship to the party and the contact information (email and mobile number) be provided no later than five business days in advance of the hearing;
- iv. notice of the identity of all witnesses provided no later than five business days in advance of the hearing;
- v. the right to contest a member of the hearing panel if there is a reasonable and articulable concern regarding impartiality or a conflict of interest as defined by the USABS Conflict of Interest Policy. Such contests should be submitted via email to the judicialcommitteechair@usabs.com. Acknowledgement of the contest and the decision will be provided to all parties via email; and,
- vi. distribution of evidence by each party no later than ten business days in advance of the hearing to provide for a reasonable time to prepare one's position in the matter.

5.02. Conduct of the Proceeding

- a) the hearing may be conducted in person or by video conference at a time and place (if applicable) selected by the chair of the Hearing Panel. The chair will endeavor to select a place and time that is convenient and equitable to the majority of the persons so as to make it practicable for all parties to attend;
- b) the right to be assisted in the presentation of one's case at a hearing, including the assistance of legal counsel, if desired; however all fees shall be paid by the party seeking assistance of legal counsel;
- c) the Hearing Panel shall rule on all motions and other matters raised in the proceeding. The Hearing Panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary.
- d) the parties shall be given a reasonable opportunity to present and examine evidence, the right to call witnesses to testify at the hearing, including the right to have individuals under the control of an adverse party attend; and to confront and cross-examine witnesses, and to present argument;
- e) members of the hearing panel shall have the right to question witnesses or the parties to the proceeding at any time;
- f) the burden of proof shall be on the proponent of the charge, which burden shall be at least a "preponderance of the evidence" unless an applicable rule of law provides for a higher burden of proof;
- g) the right to have a record (i.e., transcript) made of the hearing (In this regard, the reporter shall be paid for by the party requesting the reporter; and a copy of any transcript shall be provided to the other party upon payment of half of the cost. Any

transcript ordered by a party shall be made available to the Hearing Panel upon request of the Hearing Panel); and

- h) 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.

5.03. Post Hearing

- a) 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. The written decision, with reasons therefore, based solely on the evidence of record, shall be handed down within 10 business days following the conclusion of the hearing;
- b) including a written notice of appeal procedures, if the decision is adverse to the person charged, and the prompt and fair adjudication of any appeal.

Section 6. Arbitration

Per USABS Bylaws, USABS agrees to submit to final and binding arbitration in any controversy involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition in bobsled or skeleton upon demand of the USOPC or any aggrieved amateur athlete, coach, trainer, manager, administrator, or official using an established major national provider of arbitration and mediation services based in the US and designated by the USOPC with the concurrence of the USOPC AAC and the National Governing Bodies' Council conducted in accordance with the Commercial Rules of the American Arbitration Association or as modified pursuant to the Act.

Section 7. Definitions

Complainant. The individual who is filing a grievance.

Disinterested Individual. An individual who does not have a material interest, directly or indirectly, in the outcome of the hearing or a material relationship with a person who has such an interest.

Good Faith Reporter. An individual who acts with honesty and good intent when reporting an alleged grievance.

Protected Individual. As defined in Section 1 (Application) of the USABS Whistleblower and Anti-Retaliation Policy.

Respondent. The individual(s) who is allegedly responsible for the act or omission that are the subject of the grievance.

Section 8. Points of Contact

Individuals in need of further information, guidance and/or enforcement in relation to the Grievance Procedures may contact the following:

Judicial Committee Chair
CEO
Compliance and Membership Services
Manager

Email: judicialcommitteechair@usabs.com
Email: ceo@usabs.com
Phone: 970.367.6999
Email: hayden.walker@usabs.com

In addition, the USOPC Ethics & Compliance team can serve as a secondary resource for questions or concerns regarding this Code. The USOPC Ethics & Compliance team may be contacted at:

Integrity Hotline: 877.404.9935
USOPC Integrity Portal: <https://usopc.ethicspoint.com>

Section 9. Reporting to the Board

- a) The Judicial Committee Chair will report metrics related to Grievances to the Board of Directors, Chair on a quarterly basis.
 - a. The metrics will include the following.
 - i. Number of Grievances reported in the previous quarter.
 - ii. Number of resolved and unresolved Grievances.
 - iii. The types of Grievances reported.
 - iv. If the Grievances were substantiated.
 - v. Time required to resolve the Grievances.
 - b. Any recommendations to change organizational policies or procedures resulting from a Grievance.
- b) The Board Chair will present the quarterly reports to the Board at each subsequent board meeting to facilitate Board review and evaluation of trends and progress in handling and resolving Grievances.

For Athletes with Questions Regarding USABS Grievance Procedures:

The Athlete Ombuds provides cost-free, independent and confidential advice regarding athlete rights; resolving disputes or grievances; and any sport rule, policy, or process, including NGB-athlete agreements, codes of conduct or team selection procedures. The Athlete Ombuds can also help athletes connect with legal counsel or mental health resources, if needed. Athletes may contact the Athlete Ombuds at:

PHONE: (719) 866-5000
EMAIL: ombudsman@usathlete.org
WEBSITE: www.usathlete.org

NOTICE OF GRIEVANCE

Pursuant to the Grievance Procedures, this form must be completed in its entirety to file a formal grievance:

Complainant:

USABS Affiliation:

Email:

Respondent(s):

USABS Affiliation (if known):

Basis of the Grievance (e.g. policy violation):

Description of allegation(s) of violation and/or non-compliance (in numbered paragraphs, one allegation per paragraph):

Relief Sought:

No Retaliation:

Retaliation, as defined in the USABS Whistleblower and Anti-Retaliation Policy, against an individual who files a grievance or otherwise participates in good faith in the process outlined in the USABS Grievance Procedures is prohibited. This applies to all Protected Individuals before, during, and after the process of resolving a grievance. Retaliatory activities will be considered a violation of the USABS Whistleblower and Anti-Retaliation Policy and may lead to serious consequences, including termination of employment or participation.

I am open to resolving this grievance through an Informal Resolution process. I understand all parties would have to agree to the terms of the Informal Resolution process.

Signature

Date

Send completed form along with any supporting evidence or documentation as attachments via email to both:

CEO (ceo@usabs.com) **and** Chair, Judicial Committee (judicialcommitteechair@usabs.com).