

USA ROLLER SPORTS

2024

GRIEVANCE POLICY AND PROCEDURES

This Grievance Policy and Procedures (the “Procedures”) applies to the filing, processing, disposition, and imposition of discipline, if any, with respect to Complaints referred to in this policy, as well as any applicable complaints or grievances that fall within this scope of the USA Roller Sports Conflict of Interest Policy, Code of Conduct, Code of Ethics, and Whistleblower Policy and which are in need of investigation, processing and disposition. These Procedures do not apply to the administration, disposition and imposition of discipline with respect to Misconduct Complaints referred to in Article XII of the USA Roller Sports Bylaws.

SECTION 1. DESIGNATION OF COMPLAINTS.

The following kinds of complaints may be filed with USARS or by USARS under this policy (a “Complaint”):

- A. Administrative: An “Administrative Complaint” is one pertaining to any matter within the cognizance of USARS, including, but not limited to, any alleged violation of:
 1. Any provision of USARS’s Certificate of Formation or these Bylaws; or
 2. Any of USARS’s rules, regulations, policies or procedures that do not pertain to Misconduct.
 3. Any complaint against alleging non-compliance of USOPC Bylaws or the Act by USARS.
- B. Opportunity to Participate. An “Opportunity to Participate Complaint” is one pertaining to any alleged denial, or alleged threat to deny, any member, who is an athlete, coach, trainer, manager, administrator, or official, the opportunity to compete or participate in a USARS sanctioned competition or a competition protected by the provisions of the Sports Act or the Bylaws of the USOPC.
- C. Misconduct. A “Misconduct Complaint” is one pertaining to Misconduct other than one within the exclusive authority of the Center or involving Special Categories of Misconduct described in Article XII.
 1. The Center has discretionary authority and jurisdiction to investigate and manage hearings involving certain Proactive Policies and Other SafeSport Misconduct (as such terms are defined in the SafeSport Code and/or USARS Athlete Safety Policy). USARS may, in its discretion, request that the Center accept jurisdiction over other matters in accordance with such SafeSport Code.
 2. Misconduct Complaints that are not referred to the Center will be processed in accordance with the procedures in this policy.

SECTION 2. FILING A COMPLAINT.

- A. Any current member or current or former athlete member (the “Complainant”) who believes himself/herself/itself to be aggrieved by any action of USARS or by one of its Members, may file a complaint with USARS. If the Complainant is a minor, the Complaint may be initiated by such minor’s parent or legal guardian.
1. A Misconduct Complaint may be submitted to USARS in any reasonable manner or form, including in any manner described in USARS Athlete Safety Policy.
 2. Complaints must be submitted in writing to USARS’ Compliance Ethics and Eligibility Chair and Compliance Officer:
compliance@usarollersports.org Should the USARS’ Compliance Ethics and Eligibility Chair or Compliance Officer be the subject of the complaint, the complaint must be addressed and delivered to the Chair of the Executive Committee.
 3. An Administrative or Opportunity to Participate Complaint must:
 - i. Be submitted in writing to USARS at its principal place of business;
 - ii. Be signed by the Complainant, including identifying membership information of the Complainant (a Complaint submitted electronically fulfills criteria (1) and (2)); and
 - iii. Include a concise statement of the nature of the Complaint, the individual and/or organization believed to be responsible for the acts or omissions described in the Complaint and the relief requested.
 - iv. In the case of an Opportunity to Participate Complaint, 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 upon the Complaint. A Complaint that is not filed in accordance with this Section may render the filing ineffective.
 - v. The Complainant has the ability to attach supporting evidence and documentation to the support the allegation.
- B. USARS may file an Administrative Complaint or a Misconduct Complaint against a Member based on information which reasonably causes USARS to believe that grounds exist for such a Complaint to be filed. the Complaint must be in writing and include a concise statement of the nature of the Complaint, the individual or organization believed to be responsible for the acts or omissions described in the Complaint, and the discipline or other relief sought by USARS.

- C. Complaint Not Filed Correctly. A complaint that is not submitted in accordance with these procedures may be dismissed. If dismissed for failure to comply with any of the above requirements the Complainant may re-file a new complaint that cures such deficiencies. USA Roller Sports Compliance will provide the complainant with notice of the defect(s) and a reasonable period of time to cure such defect(s). If the complainant fails to cure within the time period provided, USA Roller Sports Compliance may find a complaint is deficient under this section and dismiss complaint. There is no appeal from such dismissal. The complainant and any other party who has been given notice of the complaint will be advised of such dismissal. The Complainant may re-file.

SECTION 3. TIME BAR.

Unless the Complaint is filed by USARS or involves allegations which are of the type described in one of the Special Categories of Misconduct and/or involve alleged sexual misconduct as defined in the SafeSport Code, a Complaint must be submitted within one (1) year of the occurrence of the alleged incident, violation, grievance, denial or threat to deny. In the event that the Complainant was a minor at the time of the occurrence of the alleged incident, violation, grievance, denial or threat to deny, the Complaint must be submitted within one (1) year following the minor's eighteenth (18) birthday.

- A. Nothing in this Time Bar provision relieves a Covered Individual of their legal reporting requirements under state or federal law, nor of their duty to report pursuant to USA Roller Sports Safe Sport policy.

The following Procedures apply and are to be observed in the processing, disposition, and imposition of discipline, if any, with respect to Complaints that have been filed:

1. PROCESSING THE COMPLAINT.

- A. Upon receipt of a Complaint (other than a Complaint filed by USARS), the following will be determined:
 - 1. Whether the Complaint complies with the requirements specified in Section 2 above;
 - 2. Whether the Complaint is time barred pursuant to Section 3 above;
 - 3. Whether the underlying facts and circumstances referenced in the Complaint give rise to an issue that is appropriate for resolution under these Procedures;
 - 4. Whether the Complainant has standing to file the Complaint;
 - 5. Whether USARS has jurisdiction over the matter, including a determination of whether the Respondent is a Covered individual; and
 - 6. Whether the Complaint involves matters which USARS does not have the authority or ability to remedy.

If it is determined that the Complaint does not satisfy the criteria specified herein, then the Complainant shall be so advised, and the Complaint may be dismissed, and no further processing of the Complaint would be required pursuant to this Article.

- B. The USARS Compliance Officer shall serve as the primary investigator for all filed complaints. In the event the Compliance Officer is determined to be listed within the Complaint, an independent investigator shall be appointed by the Compliance, Ethics and Eligibility committee to investigate the Complaint. The Investigator may not be an individual who is directly or indirectly involved in an occurrence that is the subject of the Complaint.
- C. Unless the Complaint was filed by USARS, USARS shall send to the Complainant a notice acknowledging the receipt of the Complaint (the "Notice of Complaint"). The Notice to Complainant shall include:
 - 1. The name and contact information of the Investigator;
 - 2. The date by which it is anticipated that the investigation will be completed; and
 - 3. A copy of the USARS Grievance Policy and Procedures.
- D. USARS shall send to any individual and organization whose conduct is the subject of the Complaint (a "Respondent") a notice of the filing of the Complaint and a copy of the Complaint (the "Notice to Respondent"), not to exceed 14 business days, without just cause for delay. No Notice to Respondent need be sent when the only Respondent is USARS. The Notice to Respondent shall include:
 - 1. An invitation to respond in writing to the Complaint;
 - 2. The name and contact information of the Investigator;
 - 3. The date by which it is anticipated that the investigation will be completed; and
 - 4. A copy of the USARS Grievance Policy and Procedures.
- E. Other than a Complaint filed by USARS:
 - 1. The Notice to Respondent of a Misconduct Complaint shall allow the Respondent an opportunity to request that the Complaint be resolved upon the conclusion of the investigation by decision of USARS rather than by a hearing. If this request is granted and it is determined that the Respondent has engaged in Misconduct, USARS may discipline the Respondent in any manner consistent with the forms of discipline set forth in these Procedures.
 - 2. In any instance where it appears that the Notice to Respondent was received by or was refused by a Respondent, or despite the best efforts of USARS, could not be delivered to a Respondent, or a Respondent fails or refuses to notify USARS as to which method the Respondent would prefer to use to resolve the allegations, USARS may decide whether the Complaint will be resolved by USARS or a Hearing Panel.

2. INTERIM MEASURES.

At any point before a Complaint is resolved under the provisions of these Procedures, interim measures may be imposed to ensure the safety and well-being of the roller sports community or

where an allegation is sufficiently serious that a Respondent's continued participation could be detrimental to the sport or its reputation.

- A. Notice. Unless imposed under emergency circumstances involving an imminent threat of harm, USARS will notify a Respondent that intends to impose an interim measure by a specific date, and a Respondent may request a hearing prior to interim measure becoming effective.
- B. Hearing. The hearing, if requested, shall be:
 - 1. A telephone or webinar hearing;
 - 2. Will be conducted by a five (5) member hearing panel appointed by the Compliance, Ethics and Eligibility Committee, consistent with the Hearing Panel staffing requirements set forth in this Article;
 - 3. Implemented on the most expedited basis possible; and
 - 4. Strictly limited to determining whether there exists reasonable cause to impose one or more interim measure(s).
- C. Measures. USARS may impose any interim measure consistent with the forms of discipline set forth in these Procedures, and may also include, but not be limited to altering training schedules, providing chaperones, implementing contact limitations, or Member Club restrictions.

3. DECISIONS MADE AT COMPETITIONS.

If the incident which is the subject of the Complaint occurs at an event or competition sanctioned by USARS, and the subject matter of the Complaint could have been the subject of protest procedures described in any applicable governing rules and policies, then those protest procedures must be exhausted prior to the filing of a Complaint. The failure to exhaust those protest procedures precludes the processing of a Complaint pursuant to these Procedures. Furthermore, the final decision of an official 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 official) shall not be reviewable through these Procedures for, or the subject of, an Administrative Complaint or an Opportunity to Participate Complaint unless the decision is: (1) outside the authority of the official to make, or (2) the product of fraud, corruption, partiality or other misconduct of the official. For purposes of this Section, the term "official" shall include any judge, meet director, meet referee or other individual with discretion to make field of play decisions.

4. INVESTIGATING OF THE COMPLAINT.

The investigation of the Complaint shall include a collection of relevant documents and interviews (or attempted interviews) with the Complainant, any Respondent and other persons having information related directly to the subject matter of the Complainant.

5. DISPOSITION OF THE COMPLAINT.

- A. The Investigator shall prepare a written summary of the investigation. If requested, the Investigator shall also provide a recommendation as to the appropriate disposition of the Complaint.

- B. In the case of a Complaint filed by a Complainant other than USARS, without being limited or bound by any such recommendations, USARS may then:
 - 1. Inform the parties that upon the basis of the investigation, the Complaint is devoid of merit or that the underlying facts and circumstances do not give rise to an issue that is appropriate for resolution under these Procedures, and the Complaint shall be dismissed, and no further processing of the Complaint shall be required pursuant to this Article.
 - 2. Attempt to mediate the dispute to the satisfaction of the parties. If mediation is successful, the agreed upon resolution must be recorded by USARS in a form which includes the written acknowledgement by the parties of that resolution. If the Complaint has been resolved pursuant to Section 1.E., inform the Complainant that the Complaint is being referred to a Hearing Panel under the Procedures set forth herein. Otherwise, inform the Complainant that USARS elects to pursue the matter against a Respondent as a Complaint by USARS under these Procedures.
- C. In the case of a Complaint filed by USARS, unless the matter is resolved by agreement of a Respondent and USARS upon completion of the investigation, the matter will proceed to a hearing.

6. HEARING PANEL.

USARS will report the need for a hearing to the chair of the Compliance, Ethics and Eligibility Committee. The chair of the Compliance, Ethics and Eligibility Committee will then appoint at least five (5) disinterested and impartial individuals to serve as the hearing panel that will hear the matter (the "Hearing Panel"). These appointments shall be subject to the following:

- A. The chair of the Compliance, Ethics and Eligibility Committee may appoint himself/herself or any other member of the Committee to the Hearing Panel.
- B. The appointment of the Hearing Panel will include the designation of a chair.
- C. If the hearing affects any individual's participation in a Protected Competition, the Hearing Panel shall have at least 33% athlete representation. All athlete members of the Hearing Panel must meet the standards specified for an athlete representative to a board of directors of a National Governing Body or a "Designated Committee," as that term is defined in the bylaws of the USOPC.
- D. The chair of the Compliance, Ethics and Eligibility Committee is responsible for confirming the availability of each appointee to serve on the Hearing Panel.
- E. The hearing panel may not include any individual who has a direct conflict of interest to a Respondent or complaint parties. All potential conflicts will be determined by the investigator, with recommendations made to the chair of the Compliance, Ethics and Eligibility committee who will make the final decision on if an individual may serve on the hearing panel.

7. ADMINISTRATION.

- A. The Compliance, Ethics and Eligibility Committee shall be responsible to ensure that all Complaints proceeding to a Hearing Panel are heard in a timely, fair and impartial

manner and may promulgate procedures in addition to those set forth in these Bylaws for the effective administration of Complaints filed with USARS.

B. Opportunity to Participate Complaint.

1. In a Complaint involving an Opportunity to Participate, the Hearing Panel shall determine which individuals in addition to those identified in Article XIII, Section 2.A.ii.4 of the USARS Bylaws should receive notice of the Complaint and shall provide appropriate notice to these individuals. Any individual so notified then shall have the right 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.
2. Every effort will be made to expedite the proceedings, including, but not limited to, modifications made by USARS or by the chair of the Hearing Panel to the Procedures set forth above in order to resolve the Complaint prior to the start of competition.

C. An opportunity for a hearing within a reasonable time, not to exceed 90 days after the last filing with the USA Roller Sports, without just cause for delay.

8. CONDUCT OF THE HEARING

- A. The chair of the Hearing panel will select the time and place for the hearing so as to have the hearing occur at the earliest convenient date that will allow all parties to attend.
- B. The chair may choose to conduct the hearing by conference call or other similar electronic means.
- C. The chair, utilizing the resources of the National Office and staff, will communicate the information about the hearing schedule along with the identity of the other members of the Hearing Panel to the parties. Prior to the hearing, USARS will provide to the Hearing Panel copies of the Complaint, any written response previously submitted by a Respondent, and, where applicable, documents collected by the Investigator and the Investigator's summary. The Hearing Panel will not receive (and neither party may introduce or mention) any resolution of the dispute proposed during any mediation or any effort to amicably resolve the matter.
- D. Not less than fifteen (15) days prior to the hearing, the chair of the Hearing Panel shall cause to be sent to the parties a written copy of the procedures to be followed at the hearing. Those procedures shall include the opportunity for each party to be represented by counsel, to present and examine oral or written evidence, to cross-examine witnesses 42 (subject to restrictions and limitations imposed by the Hearing Panel for the protection of minors) and to present such factual or legal claims and argument as desired, unless such exhibits pertain solely to possible impeachment matters. The Hearing Panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. Either upon its own initiative or at the request of a party, the Hearing Panel may direct the production of documents and other information. Further, the Hearing Panel may require that the parties:
 1. Identify any witnesses the parties intend to call at the hearing; and
 2. Exchange copies of all exhibits the parties intend to submit at the hearing. The Hearing Panel shall set due dates for the exchange of such information. The

Hearing Panel is authorized to resolve any dispute concerning the exchange of information. No party and no one acting on behalf of any party shall communicate ex parte with a Hearing Panel member. The hearing shall be informal, except that testimony shall be taken under oath. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceeding at any time. 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.

- E. All procedural and evidentiary decisions shall be made by the Hearing Panel. The rules of evidence shall not be strictly enforced, instead, the rules of evidence generally accepted in administrative proceedings shall be applicable. The Hearing Panel shall determine the admissibility, relevance and materiality of the evidence offered and may exclude evidence deemed by the Hearing Panel to be inadmissible, cumulative, or irrelevant. The Complainant shall bear the burden of proof by a preponderance of the evidence.
- F. All proceedings conducted under this Section shall be kept confidential by the parties and participants, however, any discipline imposed may be subject to publication per Article XIII, Section 10 of the USARS Bylaws. The Hearing Panel shall be responsible for issuing a written decision summarizing the panel's findings and conclusions, and of any sanctions imposed under authority of this Section. Should either party choose to preserve the proceedings by transcription or recording, all transcriptions and recordings shall be subject to the confidentiality requirements.
- G. If the Complaint is not dismissed, decisions about the merits of USARS and the form of any sanction shall be made by majority vote of the Hearing Panel. The Hearing Panel shall report its decision on the merits in the form of written findings of fact and conclusions. The decision shall be sent to the parties. Subject only to any right to arbitration as is specified in Section 12 of these policies the decision of the Hearing Panel shall be final and binding upon all parties.

9. DISCIPLINE.

The following forms of discipline may be imposed:

- A. Reprimand. A communication, either public or private, of USARS's decision to impose a reprimand regarding the Complaint. Any reprimand may be combined with probation or suspension.
- B. Probation. A ruling that, for a specified time, the subject's continued participation in USARS's activities, sanctioned competitions or membership programs is conditional upon the satisfaction of certain conditions. These conditions shall be described specifically, as shall the consequences of failing to meet them.
- C. Suspension or Termination. A determination that:
 - 1. Either permanently or for a specified period of time, the subject is prohibited from participating in sanctioned competitions or other of USARS's activities; or

2. The subject is terminated from membership in USARS. The effect of a suspension may be limited to certain activities or competitions, and conditions may be established that, if satisfied, will result in the lifting of a suspension.
- D. Other. The Hearing Panel may order such other relief as it deems appropriate (e.g. letter of apology or restitution, including, for example, the payment for damaging equipment or the recovery of any financial benefit improperly derived by a Respondent).
- E. Notice of any discipline imposed on a Member will be communicated to the affiliated Member Club, and to any other necessary parties such as State and Regional Chairs or meet directors.

10. Publication of Suspensions and Permanently Ineligible Members

- A. Where a decision has been rendered in a matter where the discipline imposed is suspension or permanent ineligibility for membership, USARS shall publish the following information:
 1. The name of the individual;
 2. The state where the violation occurred and/or where the individual resides or Member Club is located at the time the discipline is imposed; and
 3. With respect to decisions of permanent ineligibility rendered after the adoption of this Section 14, which of USARS' Bylaws, rules, regulations, or policies was violated.

11. GENERAL.

- A. All notices, reports and decisions under these Procedures shall be made in writing and delivered in person by electronic mail receipt or registered or certified mail, or other form of delivery creating a record of receipt.
- B. If, in the course of an investigation or hearing conducted pursuant to these Procedures, the USARS discovers that a Respondent has engaged in one of the Special Categories of Misconduct specified in Article XII of the USARS Bylaws, the resolution of a Respondent's status shall be referred to the Center or resolved under Article XII, as appropriate, and the proceedings under these Procedures may be promptly terminated.

12. Arbitration.

USARS agrees to submit to binding arbitration in any controversy involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition upon the 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 U.S. and designated by the USOPC with the concurrence of the Team USA Athletes' Commission and the National.

13. No Retaliation.

- A. Neither USARS nor any USARS member, employee, coach, referee/official, officer, board member, or any other individual affiliated with USARS shall retaliate against a Protected Individual (As defined by the Act, any amateur athlete, coach, trainer, manager, administrator, or official associated with the USOPC or an NGB.) for filing a complaint or making a report under this Policy, or for participating in a proceeding under this Policy, in good faith.
- B. Additional prohibitions on retaliation, definition of retaliation and protection for whistleblowers, are contained in USARS Whistleblower and Anti-Retaliation Policy.

14. Office of the Athlete Ombuds.

The Office of the Athlete Ombuds offers cost-free, confidential, independent advice to athletes regarding grievance processes and assists athletes in resolving disputes or concerns.

For advice or assistance, athletes may contact the Office at:

(719) 866-5000

ombudsman@usathlete.org or www.usathlete.org