



GRIEVANCE AND DISCIPLINARY POLICY & PROCEDURES

Updated May 2025

USA Triathlon (also referred to as “USAT”) is committed to providing prompt and equitable resolution of grievances as outlined in the Ted Stevens Olympic and Amateur Sports Act, 36 USC Sec. 371 et seq. (“**Sports Act**”). This Grievance and Disciplinary Policy (the “**Policy**”) sets forth the processes for addressing grievances and disciplinary actions within USA Triathlon. The purpose of this Policy is to provide a uniform method of resolving all claims, demands, or disputes with respect to Affiliated Individuals (defined below).

SECTION 1. APPLICABILITY

1. Parties Subject to this Policy.

This Policy applies to Affiliated Individuals. An (“**Affiliated Individual**”) is any USA Triathlon member, member of the board of directors, member of the board of trustees, officer, committee member, other governance group member, employee, staff, intern, athlete, coach, sub-contractor, vendor, consultant, volunteer or representative of USA Triathlon member organizations that are involved in or are governed by USA Triathlon.

2. Disputes Subject to this Policy.

The following grievances may be filed by USAT or with USAT (a “**Complaint**”):

- A. **Administrative.** An (“**Administrative Complaint**”) is a complaint regarding any alleged violation of or grievance concerning: (i) any of USAT’s Bylaws, rules, regulations, policies or procedures; or (ii) the United States Olympic and Paralympic Committee (“**USOPC**”) Bylaws; and/or (iii) the Sports Act. This includes Complaints regarding determinations of ineligibility under USA Triathlon’s Background Screening Policy.
- B. **Opportunity to Participate.** An (“**Opportunity to Participate Complaint**”) is a complaint regarding an alleged denial or threat to deny, any Affiliated Individual the opportunity to compete or participate in a (“**Protected Competition**”) as defined by the provisions of the Sports Act or the USOPC Bylaws. Protected Competition includes, but is not limited to, (i) competition by Affiliated Individuals in the Olympic Games or Paralympic Games, (ii) any event sanctioned or organized by USAT where the athlete’s performance or results are considered in the published selection criteria to represent the United States in the Olympics or Paralympics, and/or (iii) any international competition where (a) athletes represent the United States against athletes representing other nations, (b) USAT may select the athletes for the competition, as required by the competition organizers, and/or (c) athlete performance or results are included in the published criteria to be selected to represent the United States in the Olympics or Paralympics.

An Affiliated Individual may avail themselves of the rights and remedies available pursuant to [Section 9 of the USOPC Bylaws](#) or the rights and remedies set forth in the Sports Act.

- C. **Decisions Made at Competition.** An Affiliated Individual may appeal a decision taken at an event sanctioned by USAT by submitting a Complaint. However, if the incident alleged in the Complaint occurs at an event sanctioned by USAT (including allegations of cheating), and the allegations of the Complaint could have been the subject of appeal procedures described in any applicable governing rules and policies, then those appeal procedures must be exhausted prior to the filing of a Complaint. The failure to exhaust those appeal procedures precludes the processing of a Complaint pursuant to this Policy.

3. Disputes Not Subject to this Policy.

All Complaints not specifically described above are not subject to adjudication under this Policy. Without limiting the prior sentence, the following matters are specifically not subject to this Policy:

- A. Complaints involving specific action(s) or inaction(s) by the USAT Board of Directors or the Chief Executive Officer (“CEO”) of USAT involving corporate actions, or the direction and/or management of USA Triathlon.
- B. Complaints involving employment matters and/or contractual relationships with USA Triathlon.
- C. Complaints of misconduct or error on the part of USADA and/or the World Anti-Doping Agency (“WADA”) personnel, or laboratories utilized by either USADA or WADA; or otherwise arising from or related to the imposition of discipline (or failure to impose discipline) for any actual or alleged doping offense(s).
- D. Complaints of error on the part of the U.S. Center for SafeSport (the “Center”) and/or personnel; or otherwise arising from or related to the imposition of discipline (or failure to impose discipline) for any actual or alleged sexual misconduct offense(s) or other offense(s) under the exclusive jurisdiction of the Center.
- E. Complaints concerning liability or damages arising from personal injury claims, torts or other civil claims are not subject to this Policy.

SECTION 2. FILING A COMPLAINT

1. Submission of Complaint Form.

To properly file a Complaint, the Affiliated Individual (“**Claimant**”) must submit a completed [Complaint Form](#) to the USA Triathlon Legal Team. The Complaint must include:

- A. The full name of the Claimant and their USA Triathlon member number:
 - i. If the Claimant does not have a USA Triathlon member number, then they must include an explanation of how they qualify to file a Complaint under this Policy;
- B. The alleged grounds of violations or non-compliance;
- C. The USAT Bylaw, rule, policy, procedure, or provision of the USOPC Bylaws or Sports Act alleged to have been violated or not complied with;
- D. Any supporting evidence and/or documentation corroborating the Complaint;

- E. The relief sought; and
- F. The Complainant should remit the sum of \$350 to USA Triathlon. The Complainant may request a waiver of the filing fee by emailing the USA Triathlon Legal Team if the Complainant believes they have a legitimate hardship case. The Complainant should provide details in support of the required waiver and USAT reserves the right to require additional information. The USAT Legal Team will decide whether to accept a hardship waiver request, in its sole discretion. The filing fee is nonrefundable unless the Complaint is upheld.

2. Time Frames to Submit a Complaint.

A Complaint must be filed within the following time frames:

- A. **Administrative Grievance** – Ninety (90) calendar days since the occurrence or knowledge of the alleged violation or grievance.
- B. **Opportunity to Participate** – One-hundred eighty (180) calendar days since the notice of denial or threat to deny was received by the Complainant.
- C. **Decisions Made at Competition** – Thirty (30) calendar days since the end of the relevant race or event at which the disputed decision was made.

SECTION 3. OTHER

1. Adherence to this Policy.

- A. Each Party, by virtue of membership, affiliation or participation with USA Triathlon agrees to abide by this Policy.
- B. This Policy provides a uniform method for resolving disputes and must be exhausted first before seeking alternate legal remedies.
- C. Failure to abide by this Policy may, without limitation:
 - i. Make a Party liable for any and all costs and expenses, direct or indirect, including reasonable courts costs and attorneys' fees and the value of volunteer time of USA Triathlon committee members; and/or
 - ii. Subject such Party to disqualification from membership and any right to participate in USA Triathlon sanctioned events in the sole discretion of USA Triathlon.

2. Penalties Imposed by Other Entities.

USA Triathlon shall honor the suspension(s) or other disciplinary action(s) imposed upon a Member or Individual under USAT jurisdiction by World Triathlon, USOPC, USADA, the Center and/or WADA. USA Triathlon may, where appropriate, delay holding a disciplinary matter proceeding pending a proceeding before World Triathlon, the USOPC, USADA, the Center for Safe Sport and/or WADA. USA Triathlon shall comply with the jurisdictional requirements contained in the Center's SafeSport Code.

3. Arbitration.

USAT agrees to submit to the 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 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 Governing Bodies' Council, as required by Section 220522(4)(B) of the Sports Act.

4. Resources.

- A. **Athlete Ombudsman.** Team USA athletes may contact the Athlete Ombuds for independent and confidential advice on a variety of sport related matters, including their rights, applicable rules, policies or processes, and questions related to resolving disputes and grievances. The Athlete Ombuds can also help Team USA athletes connect with legal counsel or mental health resources if needed. All other USA Triathlon athletes (i.e., athletes competing domestically at the masters or youth level, recreational athletes, foreign athletes), are welcome to visit the Athlete Ombuds website to review informational resources and should work directly with USA Triathlon to understand additional resources and options available to them.

Email: ombudsman@usathlete.org

Website: <https://www.teamusa.org/athlete-ombuds>

- B. **USOPC Ethics and Compliance.** Individuals who wish to report concerns related to this Grievance Policy as it relates to involvement in the Olympic and Paralympic Movement may also submit a report using the [USOPC Integrity Portal](#). The Integrity Portal allows individuals to submit concerns to the USOPC confidentially and/or anonymously. Reports may be made online or by telephone.

Hotline: (877) 404-9935

Website: usopc.ethicspoint.com

PROCEDURES

Where a Complaint is submitted to USAT, the following procedures will be followed:

A. **Initial Review.** The USA Triathlon Legal Team (“**Legal Team**”) will determine:

- i. whether the Complaint satisfies the requirements set forth above;
- ii. whether the Complaint was filed within the appropriate time frames set forth above; and
- iii. whether the Complainant has standing to file the Complaint.

If it is determined that the Complaint does not satisfy these requirements, the Legal Team will timely notify the Complainant, and in no event later than thirty (30) days from the date USAT received the complete Complaint, and the Complaint will be dismissed. USAT will not be required to pursue the Complaint further pursuant to this Policy.

If the Complaint is not dismissed, USAT may, in its sole discretion, undertake a review of the potential violation and conduct an investigation as may be relevant to determine whether a violation has occurred.

B. **USAT Review.** If USAT decides to undertake a review of the potential violation, after conducting its review and any subsequent information gathering or investigation, USAT will make a determination whether a violation has occurred within a reasonable time. USAT endeavors to make this determination within thirty (30) days of its decision to review the case provided that all parties are co-operative

If USAT determines that a violation has occurred, USAT will send a Notice of such determination to the relevant Parties to the Complaint which must contain the allegations, the sanctions to be imposed on the Respondent (as defined below) and the opportunity for the Respondent to request a hearing, if applicable.

If the proposed sanctions are not subject to dispute (as set forth below), then such sanctions will take effect immediately as of the date of the Notice. If the sanction to be imposed includes suspension or any other limitation to the Respondent’s opportunity to participate in amateur athletic competition or in the activities or affairs of USAT, then the individual has ten (10) days from the date of the Notice to submit a written request for a hearing to dispute the alleged violation(s). The individual may instead request a hearing solely on the issue of sanctions, in which case the individual will be deemed to have admitted to the alleged violation(s). If the individual fails to request a hearing by the deadline, the alleged violation(s) will be deemed accepted and the proposed sanctions will take effect.

If it is determined by USAT that a violation has not occurred, the Legal Team will notify the Complainant and relevant Parties to the Complaint, and the Complaint will be dismissed. USAT will not be required to pursue the Complaint further pursuant to this Policy, unless the Complainant appeals as set forth below.

C. **Informal Resolution.** If the Complaint is not dismissed or USAT has decided not to investigate as set forth above, the Legal Team may attempt to informally resolve the dispute that is the subject of the Complaint to the satisfaction of the Parties.

If the informal resolution is successful, the agreed upon resolution will be recorded with USAT in a form that includes written acknowledgement by the Parties of that resolution. An informal resolution will be considered a final disposition of the matter.

If the informal resolution includes suspension or any other limitation to the Respondent's opportunity to participate in amateur athletic competition or in the activities or affairs of USAT, then the individual has ten (10) days from the date of the notice of the informal resolution to submit a written request for a hearing to dispute the alleged violation(s). In the alternative, the individual may request a hearing solely on the issue of sanctions, in which case the individual will be deemed to have admitted to the alleged violation(s). If the individual fails to request a hearing by the deadline, the alleged violation(s) will be deemed accepted and the proposed sanctions will take effect.

If the informal resolution is not successful, the Complaint will proceed as outlined below.

- D. **Notice to Committee Chair.** If the Complaint was not resolved informally as described above or the Complainant wishes to appeal USAT's decision of no violation, the Legal Team will forward the Complaint to the Chair of the appropriate Committee (Ethics or Judicial) and provide notice to the Claimant and individual or entity whose conduct is the subject of the Complaint ("**Respondent**").

E. **Notice to Parties.**

- i. **Notices.** Within fourteen (14) days after the Chair receives the Complaint, USAT will
1. send a notice acknowledging the receipt of the Complaint to the Complainant (the "**Notice to Complainant**"), including a copy of this policy; and
 2. send a notice of the filing of the Complaint ("**Notice to Respondent**"), with a copy of the Complaint, and a copy of this Policy to the Respondent.

The Notice to Respondent must include: an invitation to respond in writing to the Complaint (which will be shared with the Complainant) to include reasons why the matter should not be taken on by USAT, or a reasonable time for Respondent to prepare a defense. Delivery of the Respondent's response to the Complaint will be provided to the Complainant and Chair within a reasonable time, but no later than fourteen (14) days, after receipt of the response.

- ii. **Notice to Affected Parties.** USAT will also send a Notice to any other Affected Parties ("**Notice to Affected Party**") within fourteen (14) days after the Chair receives the Complaint.

An Affected Party is an individual or entity that is (i) named as the Respondent in the Complaint or (ii) a third party who will be directly impacted by the outcome of the Complaint.

The Notice to Affected Party must include: (i) a copy of the Complaint and (ii) a copy of this policy. Delivery of the Respondent's response to the Complaint will be provided within a reasonable time after receipt of the response.

- F. **Appointment of Hearing Panel.** Within thirty (30) days after receipt of a Complaint from the Legal Team, the relevant Chair shall appoint a Hearing Panel consisting of three (3) disinterested and impartial individuals from the relevant Committee to hear the matter. At least one of the individuals must be an ("**Elite 10 Year Athlete**") as defined in Section 6.8(a) of the USA Triathlon

Bylaws. The Chair will also name one (1) of the individuals of the Hearing Panel as the Chair of the Hearing Panel.

All Hearing Panel members must immediately disclose any potential or actual conflict(s) they may have (and that may arise during the process) and follow the procedures outlined in the [USA Triathlon Conflict of Interest Policy](#). It may be necessary for a Hearing Panel member to recuse themselves from the Hearing.

In the event that any party or Hearing Panel member raises a conflict of interest, the Chair of the Ethics Committee will consider the issue and require a replacement, if necessary.

USA Triathlon will send the names of the Hearing Panel members to the Claimant, the Respondent, and all Affected Parties within fourteen (14) days of appointment, unless there is reasonable reason for delay.

The Hearing Panel may determine that an individual not named by the Claimant or Respondent as an Affected Party shall be considered an Affected Party and given Notice. Any Party named as an Affected Party shall be eligible to participate in the Complaint, including any hearing. Any Party notified of the Complaint as an Affected Party shall be bound by the decision of the Hearing Panel, even if that Party chooses not to participate.

- G. **Documents to be Provided to Panel.** Promptly after the appointment of the Hearing Panel, the USAT Legal Team will provide to the Chair of the Hearing Panel a copy of each of the following documents: (i) the Complaint; (ii) all materials filed with the Complaint, if any; and (iii) any relevant documents in the possession of USA Triathlon. The Hearing Panel shall ensure that all relevant Parties have copies of all materials and relevant documents.
- H. **Dismissal of Complaint.** The Hearing Panel shall have the authority to dismiss a Complaint if it determines that the Complaint is not appropriate for the hearing process, including without limitation a lack of jurisdiction or inappropriate subject matter for the Dispute. In addition, any Affected Party may file a motion to dismiss based on such grounds, which the Hearing Panel will decide upon after receiving written arguments from the Claimant and the Affected Parties and, if requested by the Hearing Panel, oral argument
- I. **Response.** The Respondent shall have twenty (20) days from receipt of the Complaint to respond to the Complaint or file a Motion to Dismiss. Respondent may request additional time from the Hearing Panel to file the response, which may be granted or denied in the Hearing Panel's determination. The Hearing Panel shall ensure that the response and all reviewed documentation is sent to the Claimant.
- J. **Discovery; Exchange of Documents, Witness Lists and Evidence.** The Hearing Panel shall determine whether, and to what extent, discovery and exchange of documents will be allowed or required, subject to the understanding that the hearing process is meant to be efficient and streamlined. The Hearing Panel shall also set a reasonable deadline, no later than twenty-one (21) days, for the exchange of witness lists and evidence to be presented at the hearing. Once the identities of any witnesses are disclosed, the Hearing Panel shall send that list to all Parties.
- K. **Time and Place of Any Hearing.** The Chair of the Hearing Panel will select the time and place/medium for any hearing so as to have the hearing occur at the earliest convenient date

consistent with the need to provide the Parties with adequate time to prepare. In any event, the hearing shall be scheduled not more than ninety (90) days from the last filing by either Party unless the hearing is to be expedited or the Hearing Panel specifically determines that a longer period is necessary in the interests of justice and the extension is expressly waived in writing by both Parties. The Hearing Panel may also shorten or extend all time periods as it deems necessary and appropriate in order to render a decision in a timely manner under the circumstances of the Dispute and taking into consideration any related deadline(s), forthcoming competition(s) or event(s).

- L. **Expedited Procedure.** With respect to an Opportunity to Participate Complaint ONLY, every effort will be made to expedite the proceedings, including, but not limited to, modifications made by the Chair of the Hearing Panel to the Procedures set forth above to resolve the Complaint prior to the start of the event.
- M. **Manner of Any Hearing.** The Chair will conduct the hearing in person, by telephonic conference call, video conference or other similar electronic means whereby all Parties participating may hear and speak to each other during the hearing. The Chair will communicate information about the hearing schedule to all Affected Parties and Complainant. An in-person hearing shall not be mandatory, unless the Hearing Panel, in its sole discretion, determines an in-person hearing is required.
- N. **Minimum Standards for Any Hearing.** The Procedures to be followed at the hearing shall, at a minimum, include the opportunity for each party to (i) be represented by counsel (at that party's expense), (ii) present oral or written evidence, (iii) cross-examine witnesses, and (iv) present such factual or legal claims as may be relevant to their respective claim(s) or defense(s).
- O. **Conduct of Any Hearing.** The Chair of the Hearing Panel shall preside over the hearing and shall make evidentiary rulings and otherwise control the conduct of the hearing. The testimony of witnesses shall be taken under oath administered by the Chair of the Hearing Panel. The Rules of Evidence applicable to court proceedings shall not be strictly enforced, but the Hearing Panel shall give lesser weight to hearsay testimony, if admitted into evidence. The Chair of the Hearing Panel, in consultation with the other members of the Hearing Panel, shall set such timelines and such other rules regarding the conduct of the Hearing as he or she deems appropriate and/or necessary.
- P. **Recording the Hearing.** Any Party to a hearing may cause the hearing to be electronically recorded. The requesting Party must notify the other Parties and the Hearing Panel of the request at least three (3) days in advance of the start of the meeting. Any cost for a recording or transcript of the hearing shall be borne by the requesting Party.

No person may secretly record a hearing or cause a hearing to be secretly recorded, in any form. If a hearing is recorded, all parties should treat the recording or transcript as confidential and not circulate it or provide it to any parties, not involved in the proceedings.

- Q. **Burden of Proof.** In the conduct of a hearing, the burden of proof shall be upon the Claimant to prove their allegations by a (“**preponderance of the evidence**”) which shall mean more likely true than not true, except in the case of a disciplinary matter that is being disputed by a member, in which case the burden of proof shall be on USA Triathlon to prove the allegations by a preponderance of the evidence.

- R. **Decision of the Panel.** Decisions on the merits of the Dispute and the form of remedies, including the nature and extent of discipline, shall be determined by a majority vote of the Hearing Panel. The Hearing Panel shall report its decision on the merits in writing within thirty (30) business days of the conclusion of any hearing; provided, however, that if necessary due to time constraints, the Hearing Panel may render its decision orally, or in writing without reasoning, to be followed by a written decision as soon as practicable. In addition, the Hearing Panel may extend the date for reporting its decision on the merits where necessary, and shall inform the parties of the extension. The decision on the merits shall be sent to the parties.
- S. **Legal Fees.** Every Party has the right to be represented by an attorney or other representative of their own selection in any proceeding under this Policy. However, each Party shall pay their own legal and/or representation fees in all proceedings, unless such fees are awarded by the Hearing Panel where the Hearing Panel determines that a party has committed abuse of process or filed a frivolous Complaint. Without limiting the ability of a member who is claiming that their opportunity to participate has been denied to avail themselves of the process set forth in Section 9 or 10 of the USOPC Bylaws or in the Sports Act, a decision made by the Hearing Panel is final and binding and may not be appealed pursuant to this Grievance Policy.
- T. **Whistleblower Protection.** Regardless of whether the allegation(s) is proven, USA Triathlon will support the Claimant(s) and their right to express concerns in good faith. USA Triathlon will not encourage, allow or tolerate attempts from any individual to retaliate against an individual who reports a concern in good faith. Retaliation against a Claimant may be grounds for disciplinary action.

In the event that an investigation of potential retaliation finds that an employee of USAT has retaliated against an individual in response to any communication, including a formal complaint, from that individual (or their parent/legal guardian) related to an allegation of physical abuse, sexual harassment, or emotional abuse, USAT shall immediately suspend that employee without pay or terminate the employee as required by §220509(c)(2) of the Act. For more information about retaliation and USA Triathlon's zero tolerance approach to retaliation, please see [USA Triathlon's Whistleblower Policy](#).

Note: All time periods for the purposes of this Policy are calendar days.