



COMPLAINT RESOLUTION AND HEARING PROCEDURES

USA JUDO

1. Purpose

The USA Judo Complaint Resolution and Hearing Procedures detail how USA Judo responds to reported concerns, including those related to conduct and alleged violations of USA Judo policies. The procedures set forth the steps taken to investigate, resolve, and, if necessary, impose disciplinary measures related to concerns raised to USA Judo. These procedures also outline the hearing process that will be followed for applicable matters.

2. Complaint Review Procedures

When USA Judo becomes aware of a potential violation of USA Judo policy, whether through the normal course of business, a concern reported through USA Judo's reporting channels (see USA Judo's Whistleblower Policy), or any other means, it will review the concern and ensure that it is addressed according to these procedures.

A. Intake and Initial Inquiry

When USA Judo becomes aware of a potential violation of USA Judo policy, the CEO will begin an initial inquiry. In the initial inquiry, the CEO shall first review the concern to determine whether the alleged violation is within the jurisdiction of USA Judo and whether the underlying facts, if taken as true, give rise to an actionable claim. If the matter is an actionable claim within USA Judo's jurisdiction, the review will continue. If the matter is not an actionable claim within USA Judo's jurisdiction, the matter will be deemed to have failed the initial inquiry and will not proceed to a review.

In all cases, the initial inquiry and any subsequent steps will be conducted by disinterested individuals. Should the CEO be conflicted in the review of a concern, the CEO or her/his designee shall conduct the review.

If the subject of a concern is the CEO or a member of the executive leadership or a member of the USA Judo Board of Directors or a board committee, the concern shall be forwarded to Chair of the Ethics & Grievance Committee (EGC) or her/his designee to conduct the initial inquiry and, if necessary, any subsequent review steps.

B. Review

Following the initial inquiry's confirmation that the matter is an actionable claim within USA Judo's jurisdiction, the CEO or Chair of the EGC (as applicable) shall begin a review. The subject of the review will be notified at this time.

During the course of the review, the CEO or Chair of the EGC (as applicable) may take whatever steps deemed necessary in their discretion to conduct a full review of the matter, including but not limited to:

- Review of USA Judo Bylaws or relevant policies
- Review of documentation related to the matter
- Review of any evidence related to the matter
- Interviews with involved parties, including the reporter(s), the subject(s), and any witnesses

If the CEO or Chair of the EGC (as applicable) finds cause to do so, a complaint may be dismissed during the investigative review. Reasons that a complaint may be dismissed include:

- Insufficient evidence to support claims
- Determination that the complaint is not in fact within USA Judo's jurisdiction to resolve
- No available remedy for the reported concern, even if the factual allegations are supported

C. Resolution

Following the review, the CEO or Chair of the EGC (as applicable) will conclude whether a violation of any USA Judo policy occurred. USA Judo conducts its reviews with a preponderance of the evidence standard, meaning that a matter can be considered a violation if it appears "more likely than not" that a violation occurred.

The CEO or Chair of the EGC (as applicable) will send a notice to the subject of the review sharing the determination and, if a violation was confirmed, any disciplinary actions that are to be assessed as part of the determination. Disciplinary actions could include, but are not limited to:

- Warning,
- Probation,
- Fines,
- Limitations on access to USA Judo facilities,
- Restrictions while at USA Judo activities,
- Loss of funding,
- Loss of access to services,
- Loss of Elite Athlete Health Insurance,
- Suspension for a specified duration,
- Lifetime ban/permanent ineligibility,
- Termination of employment, and/or
- Performance of a specified task(s), such as a formal written and/or oral apology or completion of training or education on diversity, equity, and inclusion.

If any of the disciplinary actions will limit or prevent a protected individual's participation, the notice will include information the proposed discipline and about how the impacted individual may request a hearing within ten (10 day) before such discipline takes effect. If the protected individual elects not to participate in a hearing, a sanction may take effect. If the review concludes that an employee of USA Judo has retaliated against an individual for reporting an allegation of physical abuse, sexual harassment, or emotional abuse, the employee will be immediately terminated or suspended without pay as required by the Ted Stevens Olympic and Amateur Sports Act (the Act).

As required by the Act, in no case will USA Judo declare an amateur athlete, coach, trainer, manager, administrator, or official ineligible to participate in amateur athletic competition without the opportunity for a hearing. However, should an impacted individual communicate that they accept such discipline with no hearing, or do not request a hearing

prior to the deadline communicated in the notice of determination, the individual will be deemed to have waived their opportunity for a hearing.

At any point after receiving notice of a review, the subject may also attempt to informally resolve a concern with the CEO or Chair of the EGC (as applicable). If the subject and CEO or Chair of the EGC (as applicable) agree upon an informal resolution during the review, that resolution may be adopted immediately and the matter will be closed (i.e., considered a final disposition of the matter) with no ability to later rescind or appeal the informal resolution. The agreed upon resolution will be recorded with USA Judo in a form that includes written acknowledgement by the parties of that resolution.

If the proposed sanctions are not subject to dispute (as set forth herein), then such sanctions will take effect immediately as of the date of the notice. Additionally, USA Judo shall honor the suspension(s) or other disciplinary action(s) imposed upon a Member or Individual under USA Judo's jurisdiction by the IJF, USOPC, USADA, the Center for SafeSport and/or WADA. USA Judo may, where appropriate, delay holding a disciplinary matter proceeding pending a proceeding before the IJF, the USOPC, USADA, the Center for Safe Sport and/or WADA. USA Judo shall comply with the jurisdictional requirements contained in the Center's SafeSport Code.

3. Hearing Procedures

Some matters, whether by original jurisdiction or by virtue of hearing rights provided in the resolution of a complaint resolved by the process outlined in Section 2 of these Procedures, may be resolved through a hearing. The rules for a hearing administered by USA Judo are set forth in this section.

A. Eligibility

The following complaint types are reviewable by a hearing panel:

i. Opportunity to Participate

An affected individual may seek a hearing for any complaint against USA Judo for an alleged denial or threat of denial of their opportunity to participate, as an athlete, coach, trainer, manager, administrator, or official, in amateur athletic competition.

If the amateur athletic competition in question is a Protected Competition as defined by the United States Olympic & Paralympic Committee (USOPC) Bylaws, there is no obligation to exhaust remedies through a USA Judo hearing panel before proceeding to the process set forth in Section 9 of the USOPC Bylaws or to binding arbitration using the established provider of arbitration services designated by the USOPC; currently New Era ADR.

TIME FRAME TO SUBMIT A COMPLAINT: A Complaint must be filed within one-hundred eighty (180) calendar days since the notice of denial or threat to deny was received by the Complainant.

ii. Administrative Grievance

An individual who alleges that USA Judo is not compliant with its obligations under the Ted Stevens Olympic and Amateur Sports Act (the Act), the USOPC Bylaws, or the USA Judo Bylaws, rules, regulations, policies or procedures may seek a hearing against USA Judo to review the alleged non-compliance and, if non-compliance is confirmed, compel compliance.

TIME FRAME TO SUBMIT A COMPLAINT: A Complaint must be filed within ninety (90) calendar days since the occurrence or knowledge of the alleged violation or grievance.

There is no obligation that an individual exhaust remedies under this provision of these procedures before reporting an issue to the USOPC through its Integrity Portal or proceeding to the process set forth in Section 10 of the USOPC Bylaws.

The following compliant types are not reviewable by hearing panel under these procedures, even if it should impact an individual's opportunity to participate:

i. Anti-Doping Violations

Any decision concerning a doping violation adjudicated by the United States Anti-Doping Agency (USADA) shall not be reviewable through, or subject to, a hearing under these procedures.

ii. SafeSport Violations

Any decision concerning a SafeSport violation adjudicated by the US Center for SafeSport, or adjudicated by USA Judo under past procedures prior to the existence of the Center, shall not be reviewable through, or subject to, a hearing under these procedures.

iii. 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) will not be reviewable through, or the subject of a hearing under these procedures unless the decision is outside the authority of the referee to make under the rules of the competition, or the product of fraud, corruption, partiality, or other misconduct of the referee. For purposes of these procedures, the term "referee" shall include any individual with discretion to make field of play decisions.

iv. Start Rights

The decision of a start right determination made by USA Judo, or individual authorized by USA Judo, during a competition shall not be reviewable through, or the subject of, a hearing under these procedures.

v. *Employment and Contractual Concerns*

Any issue concerning the hiring, firing, or any other employment-related matter of any employee or contractor of USA Judo shall not be reviewable through, or the subject of, a hearing under these procedures.

vi. *Background Check Review (“Red Light” Review)*

An individual who is preliminarily ruled disqualified from participation in USA Judo activities as a result of a “Red Light” finding (see USA Judo Background Check Policy) on a background check or a self-disclosure of a felony or misdemeanor that would otherwise trigger a “Red Light” finding may request a hearing under USA Judo’s Background Check Policy.

B. Administration

The EGC will generally oversee the administration of the hearing process. The EGC members are subject to the USA Judo Conflicts of Interest Policy and shall adjust their involvement, including recusal as necessary, in accordance with that policy.

C. Requesting a Hearing

A Complainant may initiate a request for a hearing by submitting a Hearing Request Form (see Appendix A). This form shall be submitted to the CEO or Chair of the EGC (as applicable), who will initiate the hearing process.

D. Expedited Procedures

A party may request an expedited hearing procedures in the event that the matter at issue requires a resolution on an accelerated timeline in order to ensure that relief may be granted within the timeframe necessary. For example, a Complainant requesting an Opportunity to Participate complaint for an amateur athletic competition that is occurring one week from the date of filing, a hearing must occur on an expedited basis to ensure their ability to participate should they prevail.

If a Complainant wishes to have a matter considered on an expedited basis, they must ensure that this request is made known immediately upon filing their request for a hearing.

E. Hearing Panel

Upon the filing of a complaint, the Chair of the EGC, or another member of the EGC if the Chair has a conflict of interest, will appoint a hearing panel consisting of three (3) disinterested members of the EGC (or other qualified candidates) to hear the complaint if the Committee members are conflicted. The Chair of the EGC will also appoint a chair of the hearing panel from among the three panelists selected. The Chair may select her/himself as a member of the panel, including as chair. At least one member of the hearing panel will be an individual meeting the definition of USA Judo 10 Year Athlete, as defined by the USOPC Bylaws. The hearing panel has the authority to rule on all motions, requests, and other matters raised in the proceeding.

The parties shall be informed of the panel composition following their appointment and with reasonable time before the hearing begins. Any party to the proceeding may object to the appointment of any member of the panel on the grounds of bias or conflict of interest which the party believes to be disqualifying. The objection, along with relevant information, will be provided to the Nominating & Governance Committee to review potential grounds for disqualification. The Nominating & Governance Committee will timely render a determination of whether the appointed panel member should be disqualified, and, if the panel member is disqualified, a replacement panel member will be appointed by the Chair of the EGC.

Throughout this process, all members of the hearing panel are subject to the USA Judo Conflicts of Interest Policy and shall adjust their involvement, including recusal or withdrawal as necessary, in accordance with that policy.

F. Conduct of the Hearing

i. Notice of the Complaint

The hearing panel will provide written notice to the Respondent (and to all known affected parties in Opportunity to Participate Complaints) that a complaint has been filed against him/her/it (if an organization), along with a copy of the complaint and any attachments that were provided. The notice will be delivered to the Respondent within seven (7) business days following USA Judo's receipt of a properly filed complaint unless there is just cause for delay, or in the case of an expedited proceeding, for which notice will be delivered as soon as reasonably possible. The notice will include specific hearing procedures, rights of the parties, possible consequences should the charges be found true, and any applicable deadlines.

If a party is a minor, all correspondence will also be copied to the minor's parents or legal guardians.

ii. Answer

The Respondent will be provided with an opportunity to provide an answer to complaint addressing the allegations made against him/her/it and providing a defense or other reasons why the matter should not proceed, in accordance with the deadlines set in the notice. The deadline shall be reasonable, not to exceed fourteen (14) business days without just cause for delay.

The answer will be delivered to the Complainant within seven (7) days of receipt, barring just cause for a delay.

iii. Motion to Dismiss

A Respondent may file a motion to dismiss the case. The Complainant will be provided with an opportunity to respond to the motion and oral argument will be held.

iv. *Representative*

Any party to a hearing panel proceeding may have legal representation or an advisor present throughout such proceedings at his or her own expense.

v. *Pre-Hearing Conference and Hearing Schedule*

The hearing panel will hold a pre-hearing conference with the parties as soon as practicable. In the pre-hearing conference, the hearing panel will generally discuss with the parties a schedule for the proceeding, including any deadlines for submissions, and set a date and time for the hearing. The date and time of the hearing shall be such that it is practicable for all parties to attend. In all cases, a hearing will be held within ninety (90) days of the last filing with USA Judo without just cause for a delay, unless a delay beyond this period is expressly agreed to in writing by the parties.

vi. *Exchange of Information*

In advance of the hearing, the hearing panel will require the parties to exchange information, a list of anticipated witnesses with a brief description of expected testimony, and any exhibits that the parties anticipate using at the hearing. The exchange of information shall take place within a reasonable time before the hearing, based on the agreed-upon hearing schedule.

vii. *Conduct of the Proceeding*

If the matter is not otherwise resolved prior to the hearing date, a hearing will be held on the merits. The parties will be given a reasonable opportunity to present oral or written evidence relating to the matter, to cross-examine any witnesses offered by the other party¹, and to present such factual or legal claims as desired. Witnesses may also provide a written affidavit to the hearing panel in lieu of appearing before the hearing panel.

The hearing panel will determine the admissibility, relevance, and materiality of the evidence offered and the credibility of witnesses presented (including by appropriately weighing written testimony given the lack of an opportunity for cross examination), and may exclude evidence it deems to be cumulative or irrelevant. The hearing panel will have the right to question witnesses or the parties at any time.

The hearing will be conducted virtually (by teleconference or videoconference), unless the hearing panel determines that an in-person hearing is necessary. Each party will have the right to appear personally or through a representative.

viii. *Record of the Proceeding*

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 will be paid

¹ The Panel retains the authority to make reasonable accommodations related to cross examination. For example, if a minor is called to testify, the Panel may decide to facilitate cross examination through the Chair of the Panel.

for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript will be paid for by the party requesting the transcript.

ix. Standard of Review

The hearing panel will be required to determine whether, based on the evidence presented, the party seeking relief has proven its entitlement to relief by a preponderance of the evidence. The hearing will be a de novo review.

For matters involving the adjudication of a violation that merits disciplinary action, the hearing panel will determine a proportionate sanction.

x. Sanctions

For disciplinary actions, the hearing panel may impose proportionate sanctions, including, but not limited to:

- Warning,
- Probation,
- Fines,
- Performance of a specified task(s), such as a formal written and/or oral apology or completion of training or education on diversity, equity, and inclusion,
- Limitations on access to USA Judo facilities,
- Restrictions while at USA Judo activities,
- Loss of funding,
- Loss of access to services,
- Loss of Elite Athlete Health Insurance,
- Suspension for a specified duration, and/or
- Lifetime ban/permanent ineligibility

The hearing panel is not bound to any requested sanction, including any previous disciplinary action imposed under a review under Section 2 of these procedures.

xi. Decision

A decision will be determined by a majority of the hearing panel and will go into effect immediately, unless otherwise stated. The decision of the hearing panel will be delivered in writing, with explanations of the hearing panel's reasoning, in a timely fashion following the conclusion of the hearing.

For an expedited matter, the hearing panel may issue a preliminary written decision to ensure that there is sufficient time to execute a decision before following up with its fully reasoned written decision to ensure that a decision is issued with sufficient time to execute the decision.

xii. Arbitration

In accordance with the Act, USA Judo will submit to binding arbitration through the arbitral body designated by the USOPC 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 the aggrieved individual. An individual may demand arbitration at any point in the process outlined in this hearing procedure, including simultaneously to filing the request for a hearing, and is not required to exhaust other remedies prior to demanding arbitration.

xiii. Appeal Rights

For Opportunity to Participate and Background Check Review Complaints, a party not satisfied with a decision rendered under these Procedures may appeal a decision of the hearing panel to the arbitral body designated by the USOPC to hear disputes pursuant to the designated rules for a final and binding decision. The arbitrator appointed by that body will have the authority to hear the matter anew or, if requested by a party and agreed to by the arbitrator after input from all parties, to render a decision based on a more limited scope of review of the matter. Either party may submit the decision of the hearing panel to the arbitrator for the arbitrator's consideration.

For Opportunity to Participate Complaints involving a Protected Competition, a complainant or affected party may file a complaint with the USOPC under Section 9 of the USOPC Bylaws.² After the filing of a Section 9 complaint with the USOPC, or simultaneously upon filing, the individual may file a demand for arbitration with the arbitral body designated by the USOPC for a final and binding decision in the matter.

For Non-Compliance Complaints, a complainant may file a complaint with the USOPC under Section 10 of the USOPC Bylaws and follow the procedures set forth therein.

4. USA Judo Resources

USA Judo's CEO is responsible for this policy and its enforcement. USA Judo's CEO can be contacted with any questions about this policy at Corinne.shigemoto@usajudo.us

5. Additional Resources

Individuals who wish to report concerns related to this policy as it relates to involvement in the Olympic and Paralympic Movement, or are uncomfortable reporting a concern directly to USA Judo, 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.

Website: usopc.ethicspoint.com

Hotline: 877-404-9935

² An individual may proceed directly to a Section 9 rather than first seeking relief under these Procedures.

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 Judo 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 Judo to understand additional resources and options available to them.

Email: ombudsman@usathlete.org

Website: www.usathlete.org

6. Whistleblower Protection.

Regardless of whether the allegation(s) is proven, USA Judo will support the Claimant(s) and their right to express concerns in good faith. USA Judo 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 USA Judo 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, USA Judo 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 Judo's zero tolerance approach to retaliation, please see USA Judo's Whistleblower Policy posted on the USA Judo website, www.usjudo.us.

**Appendix A
Request for Hearing**

Individuals who wish to request a hearing in accordance with the USA Judo Complaint Resolution and Hearing Procedures may complete this form and submit it to the CEO or Chair of the Ethics & Grievance Committee.

Complainant Information:

Full Name and USA Judo member number (if the Claimant does not have a USA Judo member number, then they must include an explanation of how they qualify to file a Complaint under this Procedures):

Contact Email: _____

Contact Phone: _____

Hearing Requested (mark one option):

Opportunity to Participate Administrative Grievance
 Background Check Review

Does this matter require an expedited hearing (see Section 3(D) for more information)?

Yes No

Alleged Grounds of Violation / Non-Compliance, including the USA Judo Bylaw, rule, policy, procedure or provision of the USOPC Bylaws or Sports Act alleged to have been violated or not complied with:

Supporting Evidence for the allegations (documentation and electronic media may also be submitted):

Relief sought:

Filing Fee: The Complainant should remit the sum of *\$250.00 to USA Judo. *A Complainant may request a waiver of the filing fee by emailing corinne.shigemoto@usajudo.us if they believe they have a legitimate hardship case. The Complainant should provide details in support of the required waiver and USA Judo reserves the right to require additional information. The EGC will decide whether to accept a hardship waiver request, in its sole discretion. The filing fee is nonrefundable unless the Complaint is upheld.