



USA WEIGHTLIFTING GRIEVANCE POLICY

Policy Owner: USA Weightlifting CEO

Effective Date: February 21, 2024

1. Designation of Complaints.

The following forms of complaints shall be heard by USAW and pursuant to this policy and such procedures as the Board or Judicial Committee may adopt from time to time. Subject to the qualifications specified in subsections 1 a-c below, the USAW Board of Directors and all USAW members who have attained the age of eighteen (18) years or older shall have standing to file, members who have not yet attained the age of eighteen (18) years or older shall have standing through a parent or legal guardian, except in the case of a complaint involving the opportunity to participate, in which case the member under the age of 18 may file a claim on his/her own behalf.

- a. Administrative Grievance. USAW or any member of USAW may file a complaint pertaining to any alleged violation of (i) any USAW rule or regulation, (ii) any provision of USAW's Bylaws, or (iii) any provision of the Ted Stevens Amateur Sports Act relating to USAW's recognition as an NGB, or (iv) any violation or non-compliance of the USOPC Bylaws.
- b. Opportunity to Participate. Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in a USAW sanctioned competition or Protected Competition as that term is defined in the USOPC Bylaws.
- c. Ethics Violation. The Ethics Committee shall serve as the investigative body for reports of alleged violations of USAW's Code of Ethics and other USAW rules, regulations, policies and procedures as referred to it by USAW. After investigating any such report, the Ethics Committee shall make a recommendation regarding whether a violation occurred and, if so, recommend a sanction.

2. Manner of Filing.

- a. Except in proceedings arising from an Ethics Committee decision under Section 1.c., the complainant shall file the complaint online via the USA Weightlifting complaint portal or by emailing a copy of the complaint to the Ethics Committee and Judicial Committee email, and the CEO.
- b. The complaint shall set forth in typed, clear and concise language, preferably in numbered paragraphs: (a) the complainant's name, full contact information, and USAW number; (b) the name of the respondent (complaints against organizations such as a WSO or the Board of Directors shall name the organization, not an individual); (c) specifics of the alleged violation, including but not limited to the date of the alleged violation and a statement of the facts; (d)

the USAW Bylaws, rules, policies or procedures alleged to have been violated; (e) the remedy requested by the complainant; (f) whether complainant requests a hearing or a decision on the papers; (g) the option to attach or submit supporting evidence and/or documentation to support the allegation; and (h) the complainant's signature.

- c. In proceedings under Section 2.c., the Ethics Committee decision shall be forwarded to the CEO and the Judicial Committee. USAW shall have 10 days from receipt of the decision to determine whether, (i) based on the Ethics Committee's investigation, a violation has been committed, and (ii) to move forward before the Judicial Committee with the Ethics Committee's determination. In instances where USAW determines that the information in the decision constitutes a violation, then USAW shall act as the complainant and file a complaint pursuant to Sections 2.a. and 2.b. above. Alternatively, USAW may, in its discretion, request that the Ethics Committee's decision be treated as the complaint and that the matter proceed before the Judicial Committee "in re" respondent to consider whether a violation occurred and the appropriate sanction. Where the Ethics Committee's decision is treated as the complaint, it shall comply with subsections b.-d. of Section 2.b., in addition to stating the recommended sanction.

3. Statute of Limitations.

A complaint under Section 1.a. or 1.b. of this policy shall be filed, or a report under Section 1.c. of this policy shall be made, within one hundred and eighty (180) days of the occurrence of the alleged violation, except that there shall be no statute of limitations applicable to violations of USAW's Athlete Protection Policies or other policies, rules, or regulations designed to protect USAW participants from abuse, including but not limited to the Minor Athlete Abuse Prevention Policies.

4. Field of Play Decisions.

The final decision of the jury (or in the absence of a jury, the 3 referees) during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) shall not be reviewable through the procedures for, or the subject of, a complaint under this policy unless the decision is (a) outside the authority of the official to make; or (b) the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term "official" shall include any individual with discretion to make field of play decisions.

5. Administration.

The Judicial Committee shall administer and oversee all grievances and complaints filed or referred to it under this policy. The Judicial Committee shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The Judicial Committee may promulgate procedures in addition to those set forth in this policy for the effective administration of complaints filed with USAW.

6. Hearing Panel.

Upon the timely and complete filing of a complaint, the chair of the Judicial Committee, after consultation with the other Judicial Committee members, shall appoint a Hearing Panel ("Panel") consisting of three (3) individuals to hear the complaint. The Judicial Committee shall also appoint a Hearing Panel Chair. Judicial Committee members may be appointed to and serve on the Hearing Panel. Other disinterested individuals identified by the Judicial Committee may also be appointed

to and serve on the Hearing Panel. At least one (1) member of the Hearing Panel shall be an Elite Athlete. Members of the Hearing Panel need not be members of USAW or involved in the sport of weightlifting.

7. Conduct of the Proceeding.

- a. The Panel shall initially meet and decide whether the filing meets the minimum standards for a sufficiently filed complaint and rule on whether the complaint may go forward. If the complaint is insufficient, the Panel shall provide a written opinion to the complainant explaining its decision and whether the complaint may be corrected and re-filed (a dismissal without prejudice) or whether the complaint may not be re-filed (with prejudice) providing justification for its opinion.
- b. If the complaint is not dismissed on the Panel's own determination, the Panel shall notify the named respondent within 14 days of receipt of the complaint, without just cause for delay.
- c. The Panel may dismiss a complaint, either on application of a party or on its own determination, at any time by giving a written and reasoned explanation. Examples of why a complaint may be dismissed include but are not limited to lack of jurisdiction, lack of standing, or failure to state a claim.
- d. The respondent shall be provided a reasonable time to respond to the complaint, as determined by the Panel, not to exceed 30 days. Failure to file a response in the time allotted shall be considered a denial of all material allegations.
- e. The Panel shall also set a deadline by which the respondent shall confirm whether they wish to have a hearing or a decision on the papers. The Panel may make a decision based on the papers if in the Panel's discretion it determines that the papers are sufficient and the parties agree to such procedure, otherwise, the Panel shall schedule a hearing. The Panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary. The hearing shall be informal, and the rules of evidence will not be strictly enforced.
- f. If necessary or convenient to the parties, the hearing may be conducted by teleconference or videoconference. Each party shall have the right to appear personally or through a legal representative. Members of the Panel shall have the right to question witnesses or the parties to the proceeding at any time.
- g. The Panel shall have the discretion to modify any prehearing or hearing deadlines or procedures in its discretion and in the interest of fairness to the parties and/or protection of USAW participants.

8. Fair Process Considerations.

In any hearing conducted pursuant to this policy, subject to Section 7.g., the parties shall be provided with the following:

- a. notice of the proposed action, charges, or alleged violation in writing with the supporting documentation filed by the complainant, and the possible consequences or remedy requested if the charges are upheld or a violation is found;
- b. reasonable time between receipt of the notice of the complaint and any hearing, within which to prepare a defense;
- c. an opportunity to object to the appointment of a Panel member on the basis of a conflict of interest. In the event a conflict of interest is raised, the Ethics Committee shall review the alleged conflict pursuant to this policy and the Code of Ethics.
- d. delivery of any answer from respondent, to complainant within 30 days;
- e. notice of the identity of any witnesses that will appear at the hearing to all parties in advance of the hearing;
- f. the right to have the hearing conducted at such a time and place so as to make it practicable for the person charged to attend;
- g. an opportunity for a hearing within a reasonable time, not to exceed 90 days after the last filing with USAW, without just cause for delay.
- h. a hearing before a disinterested and impartial body of fact finders;
- i. 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;
- j. distribution of evidence to all parties such that the evidence can be inspected within a reasonable time to prepare one's position in the matter;
- k. the right to present oral and written evidence and argument;
- l. a reasonable opportunity to present evidence and witness testimony;
- m. 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 of the reporter and transcript. Any transcript ordered by a party shall be made available to the Panel upon request of the Panel);
- n. the burden of proof shall be on the proponent of the charge, which burden shall be by a preponderance of the evidence";
- o. a written decision, provided to the parties in a timely fashion;

- p. a final appeal within USAW shall be to the Board of Directors who, in its discretion, may or may not hear the appeal from the Judicial Committee. The Board's review on appeal shall be limited to whether the Panel decision was arbitrary, capricious, or lacked a rational basis, or whether the hearing procedures lacked fundamental fairness;
- q. notice (where it applies) of the opportunity to appeal or submit to 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 USOPC AAC and the National Governing Bodies' Council as required by the Ted Stevens Amateur Sports Act §220522(4)(B);

9. Expedited Procedures.

The Panel may expedite the hearing proceeding in order to resolve a matter if, in its discretion, compliance with ordinary procedures would result in unnecessary delay or would not render a decision in a sufficiently timely manner, including but not limited to on the basis of an upcoming competition or in the interest of protecting USAW participants. In such a case, the Panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

10. Complaints Involving Selection to Participate in a Competition.

Where a complaint is filed involving selection by USAW of an individual to participate in a competition, the complainant shall include with the complaint a list of all other individuals, together with their contact information, who may be adversely affected by a decision rendered on the complaint. The Panel shall determine which additional individuals must receive notice of the complaint. The National Office 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. If an individual is notified of the complaint, then that individual shall be bound by the decision of the Panel, even if the individual chose not to participate as a party.

11. Mediation

USA Weightlifting's Judicial Committee, by a majority vote, may engage in a mediation between two parties to reach an amicable and agreed solution. Such mediation must occur in writing or by recorded conference call. Mediation is available at the sole discretion of the Judicial Committee. USA Weightlifting reserves the right to appoint an independent investigator or investigators at the Ethics Committee stage. Reporting and Responding parties can reasonably expect to have an investigation close within 90 days.

12. Arbitration.

Per the Ted Stevens Amateur Sports Act and the USOPC Bylaws, certain parties have the opportunity to appeal or submit a grievance to 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 USOPC AAC and the National Governing Bodies' Council as required by the Ted Stevens Amateur Sports Act §220522(4)(B).

13. Retaliation

Retaliation against any individual who submits a report, complaint, or otherwise participates in a USAW investigation or hearing proceeding is strictly prohibited and itself constitutes a violation of USAW's rules.

Revision #	Revision Approval Date	Effective Date of Revision	Revision Approver	Description of Revision
v.1	02/21/2024	02/21/2024	N/A	Original draft of policy (extracted from Section 14 of the USAW Bylaws that were in effect as of 02/20/2024)