



GRIEVANCE and COMPLAINT PROCEDURES

Effective Date: October 1, 2024

Introduction

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

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

Section 1. Types of Grievances and Complaints

These Procedures support the following types of grievances as defined by the [USLA Bylaws](#):

- A. **Definitions:** The USLA recognizes both “Grievances” and “Complaints” filed under this Article.
 - i. A “Grievance” is a filing by a member against the USLA. As set forth below, there are two types of Grievances:
 - ii. A “Complaint” is a filing by the USLA or a member of USLA against a member of the USLA. As set forth below, there are two types of Complaints:
- B. **Grievances:** A “Grievance” is a filing by a member against the USLA. There are two types of Grievances:
 - i. One type of Grievance is a Grievance by a member against the USLA which alleges the denial by the USLA of the right of a member to an opportunity to participate in any sanctioned USLA event or “protected competition” such as the Olympic Games, a World Championship competition or such other “protected competition” as defined by the USOPC in its By-laws (hereinafter, an “Opportunity to Participate” Grievance); and
 - ii. A second type of Grievance is a Grievance by a member against the USLA which alleges the failure of the USLA to comply with a requirement of The Ted Stevens Olympic and Amateur Sports Act (other than an “Opportunity to Participate” Grievance); an applicable USOPC By-law or other requirement of the USOPC imposed on the USLA as the National Governing Body for luge in the United States; a USLA By-law, or duly adopted rule or regulation affecting members (excepting and excluding racing rules and regulations); and/or any other matter within the cognizance of USLA affecting members.
- C. **Complaints:** A “Complaint” is a filing against a member of the USLA. There are two types of Complaints:
 - i. One type of Complaint is a Complaint by the USLA against a member alleging a violation of the USLA’s Bylaw(s), Code of Conduct or Code of Ethics or Policy Against Conflict of Interests,



and/or any rule or regulation duly adopted by the USLA (excepting and excluding racing rules and regulations), pertaining to any other matter within the cognizance of the USLA regarding the conduct of its members.

- ii. The other (second) type of Complaint is a Complaint filed by a member against another member of the USLA (including officer, director, coach, official, etc.), alleging a violation of the USLA's Bylaw(s), Code of Conduct, Code of Ethics or Policy Against Conflicts of Interest and/or any other rule or regulation duly adopted by the USLA (excepting and excluding racing rules and regulations) pertaining to any other matter within the cognizance of the USLA regarding the conduct of its members.

Section 2. Procedure to Report Grievances and Complaints

- A. Manner of Filing a Grievance Against the USLA:** A Grievance may be brought by a member against the USLA alleging a matter set forth in Section B (i) or (ii) above. The Grievant shall file his or her Grievance with the CEO (ceo@usaluge.org) **and** President (chair@usaluge.org) of the USLA, who shall promptly refer it to the Chair of the Complaint and Hearing Committee (see below). The Grievance shall set forth in clear and concise language, preferably in separately numbered paragraphs: (a) full name and identifying membership information of the Grievant, (b) the alleged denial by the USLA of the Grievant's opportunity to participate in a USLA- sanctioned and/or protected competition, and/or (c) the alleged failure of the USLA to comply with an applicable provision of the Sports Act, USOPC Bylaws or other requirement of the USOPC imposed on the USLA as the NGB for luge in the United States, a USLA Bylaw or non-racing rule or regulation and/or any other matter within the cognizance of the USLA affecting members, and (d) the remedy requested. The Grievant shall sign the Grievance. The Grievance may include attachments of supporting evidence and documentation to support the allegation.
- B. Manner by which the USLA initiates a Complaint Against a Member.** A Complaint may be brought by the USLA against a member alleging a matter set forth in Section (C) (i) above if authorized by at least a majority vote of the non-interested members of the Board of Directors. The Complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (a) the alleged violation by the member of the USLA By-law, Code of Conduct, Code of Ethics, Policy against Conflicts of Interest and/or other non-racing rule or regulation duly adopted by the USLA and (b) the sanction or other relief requested. It shall be signed and filed by the CEO in the name of the USLA with the Chair of the Hearing Committee, and shall be served on the respondent member of the USLA either personally or by certified mail, with return receipt requested.
- C. Manner by which a member of the USLA initiates a Complaint Against Another Member of the USLA.** A Complaint may be brought by a member of the USLA against another member of the USLA (including an Officer, Director, Coach, Administrator or other Official) alleging a matter set forth in Section (C) (ii) above. The Complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (a) the alleged violation by the member of the USLA By-law, Code of Conduct, Code of Ethics, Policy against Conflicts of Interest and/or other non-racing rule or regulation duly adopted by the USLA and (b) the sanction or other relief requested. The Complainant shall sign the Complaint, under oath, and shall serve it on the respondent member of USLA by certified mail, with a copy to the CEO, together with proof of service thereof.
- D. Special Rights of those alleging the Denial of an Opportunity to Participate in USOPC defined**



“Protected Competition”. Any member alleging the denial or threatened the denial of the right of an opportunity to participate in the Olympic Games, a World Championship competition or such other “protected competition” as defined by the USOPC in its By-laws has the right either to file a Grievance against the USLA in accordance with the procedures set forth in this By-law, or avail himself or herself of the rights and remedies available pursuant to Section 9 of the USOPC By-laws, a copy of which is attached hereto as an Exhibit. In this regard, the aggrieved athlete may wish to consult with the USOPC Athlete Ombudsman, whose contact information is readily available on the USOPC website or from the USLA’s athlete representatives to the USOPC AAC.

- E. Limitations on Filing “Opportunity to Participate” Grievances.** The final decision of a referee or competition jury regarding a “field of play” decision (defined as a matter set forth in the rules of the competition or event to be within the discretion of a referee or competition jury) shall not be reviewable under these procedures; nor shall it be the subject of a Demand for Arbitration before the American Arbitration Association pursuant to Section 9 of the USOPC By-laws.
- F. Statute of Limitations.** Any Grievance or Complaint filed under these By-laws must be filed within one hundred eighty (180) days of the alleged denial of an opportunity to compete, or alleged violation of a provision of the Sports Act, applicable USOPC or USLA Bylaw, Code of Conduct, Code of Ethics, Conflict of Interest Policy and/or applicable non-racing rule or regulation, or else be time-barred.
- G. Filing Fee.** Except as provided for in the subsequent sentence, a Complaint filed with the USLA by an individual member of the USLA against another individual member of the USLA shall be accompanied by a non-refundable filing fee of \$50. A Complaint filed by one member against another member alleging a safe sport allegation does not need a filing fee. No filing fee is required of a member filing a Grievance against the USLA; nor is the USLA required to pay a filing fee when it files a Complaint against a member.
- H. Attempt to Resolve Grievance or Complaint by Informal Means.** The CEO, or his/her designee, shall attempt to resolve the grievance or complaint through informal means. Such attempts to settle the matter, however, shall not, in any event, suspend or otherwise delay the prompt referral of the Grievance or Complaint to the Complaint and Hearing Committee for resolution by a Hearing Committee. Flexibility will be permitted in achieving a satisfactory outcome provided the following conditions are met:
 - i. All parties voluntarily agree to explore an Informal Resolution;
 - ii. All parties agree to the process of the Informal Resolution;
 - iii. Informal Resolution is resolved within thirty (30) business days from the filing of the Notice of Grievance Form;
 - iv. All parties receive written documentation of the Informal Resolution; and,
 - v. All parties acknowledge via email their voluntary agreement to the Informal Resolution.

Section 3. Administration of the Grievance

3.01 Pre-Hearing Process

- A. Notice of Grievance.** The notice of the charges or alleged violation(s), with specificity and in writing with the supporting documentation filed by the Complainant, and proposed actions, possible consequences or



remedy requested if found to be in violation shall be delivered to the Respondent within a reasonable time after USLA receipt and no later than 14 business days, without cause for delay.

- B. **Answer or Request to Dismiss.** Within 10 business days upon receipt of the Notice of Grievance, the Respondent may submit an answer, such as a reason why the matter should not be taken on by USLA via written response to the Notice of Grievance;
- i. **Response.** Within five (5) business days upon receipt of an Answer or Request to Dismiss, USLA will notify the Respondent of decision and will provide the Complainant with a copy of the Answer or Request to Dismiss filed, the decision, and the rationale for the dismissal, if applicable.
- C. **Summary Dismissal.** After the time for responding to the grievance has expired, or after receipt of responses from Respondent(s), whichever is sooner, the Hearing Panel may decide to dismiss the grievance on such grounds as it deems appropriate, including, but not limited to, the grievance does not fall within the jurisdiction of the Hearing Panel, the grievance fails to state a claim upon which relief may be granted, the time limitation period has expired, the grievance is moot, the grievance was satisfactorily resolved through an informal resolution process, and/or the grievance fails to identify a Respondent. All parties shall be notified should there be a summary dismissal. There is no appeal from a dismissal by the Hearing Panel; however, the Complainant may refile if the deficiency can be resolved.
- D. **Notice of Hearing.** If a hearing is deemed warranted by the Hearing Panel, the Respondent and Complainant shall both be informed of the pursuit of alleged violations within 30 business days upon the filing of the Notice of Grievance. The Notice of Hearing shall include the following:
- i. hearing date which provides for a reasonable time between receipt of the notice of grievance and the hearing with respect to the charges, within which to prepare a defense. The hearing date shall not exceed 90 days after the grievance filing, without just cause for delay;
 - ii. notice the parties have the right to be assisted in the presentation of one's case at the Hearing, including the assistance of legal counsel, if desired, and if a party elects to have a representative that the name, relationship to the party and the contact information (email and mobile number) be provided no later than five business days in advance of the hearing;
 - iii. notice of the identify of all witnesses provided no later than five business days in advance of the hearing;
 - iv. disclosure of members of the Hearing Panel;
 - v. notice the parties have the right to contest a member of the Hearing Panel if there is a reasonable and articulable concern regarding impartiality or a conflict of interest as defined by the USLA Conflict of Interest Policy. Such contests should be submitted via email to the Chair of the Complaint and Grievance Committee. Acknowledgement of the contest and the decision shall be provided to all parties via email; and,
 - vi. distribution of evidence by each party no later than ten business days in advance of the hearing to provide for a reasonable time to prepare one's position in the matter.
 - vii. notice that all communication with the Hearing Panel before and after the hearing must be in writing and directed to the Chair of the Hearing Panel. Communications during the hearing proceedings need not be in writing.



3.02 Conduct of the Proceeding

- A. **Referral to Hearing Committee and Naming of Hearing Panel.** Upon receipt, the CEO shall promptly transmit a copy of the Grievance or Complaint to the USLA President and the Chair of the Complaint and Grievance Committee. Upon receipt of the Grievance or Complaint, the Chair of the Complaint and Grievance Committee, after consultation with the other members of the Committee, shall appoint a Hearing Panel of three disinterested individuals to hear the Grievance or Complaint, one of whom must be an “athlete representative” who meets the standards set forth in USOPC Bylaw Section 8.8.2. The other two members of the hearing Panel may or may not be members of the Association.
- B. **Functions of Hearing Panel.** The Hearing Panel, once appointed, shall decide who among them shall serve as Chair of the Panel. The Hearing shall be convened as expeditiously as possible at a time and place determined by the Hearing Panel to be convenient to the parties, to hear evidence, make findings of fact, and adjudicate the issues raised. In-person Hearings shall be preferable; however, the Hearing may be conducted by teleconference with the consent of the Grievant or Complainant, and the respondent.
- C. **Conduct of the 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 in accordance with the due process considerations set forth below. The testimony of witnesses shall be taken under oath. The rules of evidence applicable to court proceedings shall not be strictly enforced, but the 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.
- D. **Due Process Considerations.** In any Hearing conducted pursuant to these By-laws, the parties shall have the right to have, and shall be accorded (unless waived in writing), the following:
- a. Notice of the charges or alleged violations, with specificity and in writing, and possible consequences if the charges are found to be true;
 - b. Reasonable time between receipt of the notice of charges and the Hearing with respect to the charges, within which to prepare a defense;
 - c. Notice of the identity of adverse witnesses provided in advance of the Hearing;
 - d. The right to have the Hearing conducted at such a time and place so as to make it practicable for all parties to attend;
 - e. A Hearing before a disinterested and impartial body of fact finders;
 - f. The right to present oral and written evidence and argument;
 - g. The right to call witnesses to testify at the Hearing, including the right to have individuals under the control of an adverse party attend; and to confront and cross-examine such individuals;
 - h. The right to have a record (*i.e.*, transcript) made of the Hearing.

[In that regard, the reporter shall be paid for by the party requesting the reporter; and a copy of any transcript shall be provided to the other party upon payment of half of the cost. Any transcript ordered by a party shall be made available to the Hearing Panel upon request of the Panel.



The burden of proof shall be on the proponent of the charge, which burden shall be at least a “preponderance of the evidence” unless an applicable rule of law provides for a higher burden of proof;

- i. A written decision, with reasons therefore, based solely on the evidence of record, handed down in a timely fashion; and
 - j. Written notice of appeal procedures, if the decision is adverse to the person charged, and the prompt and fair adjudication of any appeal.
- E. **Expedited Procedures.** At the request of a party, and if the Chair of the Hearing Committee, in consultation with other members of the Hearing Committee deems it necessary, the Hearing may be expedited in order to resolve the matter if compliance with regular procedures would not be likely to produce a decision sufficiently timely to do justice to the affected parties. In such a case, the Hearing Committee shall hear and decide the Grievance or Complaint pursuant to such procedures as are necessary to achieve an expedited decision, but still fair to all parties involved.
- F. **Decision.** The Hearing Panel decision shall be by majority vote, and shall be in writing; although the Panel may first render its decision orally, or in writing without reasons, to be followed by a written reasoned decision within 10 business days following the conclusion of the hearing.
- G. **Shifting of Costs and Expenses, and the Awarding of Attorneys’ fees in certain circumstances.** In the context of a Complaint brought by a member against another member of the USLA, where USLA provides the forum for the resolution of the dispute, if the Hearing Panel finds, after fair notice and opportunity to be heard, that either the complaint filed with the USLA against a member, or the respondent member’s defense to the complaint, is frivolous and wholly without merit, the Hearing Panel, at its discretion, may award attorney’s fees and costs in favor of the prevailing party and against the offending party. Proof of such costs may be submitted to the Hearing Panel by affidavit, submitted under oath by a person with personal knowledge of the facts, and who would then be subject to cross-examination by the losing party. The USLA, as the provider of the forum for adjudicating the dispute, may also recover its own costs and expenses, including attorney’s fees, if any, and the reasonable expenses of the Hearing Panel members, against the losing party, subject to the same standards and submissions of proof, as set forth above. By availing himself/herself of the rights and remedies provided by the USLA in resolving a complaint between members, the parties agree that they may be liable for the payment of costs and attorney’s fees of the prevailing party, and the costs and fees of the USLA, including the expenses of the Hearing Panel members, if the losing party’s claim or defense is deemed by the Hearing Panel, after fair notice and an opportunity to be heard, to be frivolous and wholly without merit.

Section 4. Arbitration

Appeals from a decision of a Hearing Panel, if any, shall be made within thirty (30) days of service of the Hearing Panel’s decision by the party making the appeal. -Per USLA By-laws, USLA 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 US and designated by the USOPC with the concurrence of the Team USA Athletes’ Commission and the USLA Internal Athletes’ Council, as required by Section 220522(4)(B) of the Act.



Section 5. Points of Contact

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

CEO	Email: ceo@usaluge.org
President	Email: boardchair@usaluge.org
Chair, Grievance and Complaint Committee	Email: grievancechair@usaluge.org

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

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

For Athletes with Questions Regarding USLA Grievance Procedures:

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

PHONE: 719.866.5000
EMAIL: ombudsman@usathlete.org
WEBSITE: www.usathlete.org