



## USA Triathlon Elite Athlete Disciplinary Policy

Updated January 2022

### I. National Team Agreement and Code of Conduct Violation Disciplinary Procedures

The following Procedures will be followed if an Athlete is accused of a violation of the USAT National Team Program Athlete Agreement or the USAT Code of Conduct (the "Code").

USAT shall send the alleged violation(s) in writing to the Athlete within seven (7) business days of the incident (Notice).

Within seven (7) business days of the Athlete's receipt of the Notice, the Athlete will meet with the USAT High Performance General Manager to discuss and attempt to resolve the situation.

If a mutually satisfactory resolution cannot be reached at the meeting, then a committee of three members made up of the Athlete Advisory Committee Chair or his/her designee, the Chief Executive Officer and Senior Counsel of USAT will be convened as soon as possible to attempt to resolve the conflict. The committee may penalize the Athlete if necessary including, but not limited to (i) removing the Athlete from the National Team Program; (ii) suspending or terminating any of Athlete's benefits detailed in this Agreement; (iii) requiring Athlete to pay a fine; (iv) requiring Athlete to reimburse USAT for any or all monies expended on Athlete's behalf; (v) requiring Athlete to return all uniforms and/or equipment provided by USAT; (vi) taking a combination of the aforementioned actions, or (vii) taking such other actions as may be appropriate based on the nature of the breach.

All proceedings and related information shall be kept confidential until the matter is resolved.

The Athlete shall retain the right to select and meet with an attorney at any time or the Athlete Ombuds Office. The procedures outlined above in no way limit or restrict the Athlete's ability to pursue any other legal or equitable remedy available.

### II. Athlete Ombuds Office and USAT Grievance and Disciplinary Policy

An Athlete may appeal any final decision above by contacting the United States Olympic and Paralympic Committee (USOPC) Athlete Ombudsman and/or filing a complaint per USAT's Grievance and Disciplinary Policy located at: (<https://www.teamusa.org/USA-Triathlon/About/USAT/Governance>).

**Athlete Ombuds** - The Office of the Athlete Ombuds offers independent, confidential advice to elite athletes regarding their rights and responsibilities in the Olympic and Paralympic Movement, and assists athletes with a broad range of questions, disputes, complaints and concerns.

Phone: 719-866-5000

Email: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org)

Website: [usathlete.org](http://usathlete.org)

### **Athlete Ombuds Confidentiality and Privacy Policy:**

(A) In general.—The Office of the Athlete Ombuds shall maintain as confidential any information communicated or provided to the Office of the Athlete Ombuds in confidence in any matter involving the exercise of the official duties of the Office of the Athlete Ombuds. (B) Exception.—The Office of the Athlete Ombuds may disclose information described in subparagraph (A) as necessary to resolve or mediate a dispute, with the permission of the parties involved.(C) Judicial and administrative proceedings.—(i) In general.—The ombudsman and the staff of the Office of the Athlete Ombuds shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the duties of the Office of the Athlete Ombuds.(ii) Work product.—Any memorandum, work product, notes, or case file of the Office of the Athlete Ombuds—(I) shall be confidential; and(II) shall not be—(aa) subject to discovery, subpoena, or any other means of legal compulsion; or (bb) admissible as evidence in a judicial or administrative proceeding. (D) Applicability.—The confidentiality requirements under this paragraph shall not apply to information relating to—(i) applicable federally mandated reporting requirements; (ii) a felony personally witnessed by a member of the Office of the Athlete Ombuds;(iii) a situation, communicated to the Office of the Athlete Ombuds, in which an individual is at imminent risk of serious harm; or (iv) a congressional subpoena.

### **III. Miscellaneous**

**Athlete Representatives:** Athlete Representatives must meet the “Elite 10 Year Athlete” definition contained in Section 6.8(a) of the USAT Bylaws. Athlete Representatives will be appointed by the USAT Athlete Advisory Committee. If the decision at issue regards a paralympic event, the Athlete Representative(s) shall have met the definition of “Elite 10 Year Athlete” by competing in a paralympic event identified in Section 6.8(a) of the USAT Bylaws.

Section 6.8(a) of USAT Bylaws:

- a. any individual who qualifies for membership and satisfies the following criteria will be an “Elite 10 Year Athlete”:
  - i. within the preceding ten (10) years, represented the United States in the Olympic, Pan American Games, Operation Gold event, or at a World Championship recognized by World Triathlon in any of the disciplines held in the foregoing for which a competitive selection process was administered by USA Triathlon; or
  - ii. within the preceding twenty-four (24) months, demonstrated active engagement in elite athletic competition by finishing in the top half of USA Triathlon’s national championships or team selection competition for the events outlined in subparagraph (i); or
  - iii. within the preceding ten (10) years, represented the United States in the Paralympic, Parapan American Games, Operation Gold event or at a World Championship recognized by World Triathlon in any of the disciplines held in the foregoing for which a competitive selection process was administered by USA Triathlon;
  - iv. finished in the top half of the Elite Men’s/Women’s division at the Ironman World Championship in both the full and 70.3 distance events;
  - v. Athlete representatives may not be drawn from events that categorize entrants in age-restricted classifications commonly known as “age-group athletes.”

For questions related to these processes please contact the USAT Senior Counsel at [nellie.viner@usatriathlon.org](mailto:nellie.viner@usatriathlon.org) or [legal@usatriathlon.org](mailto:legal@usatriathlon.org).