

**UNITED STATES FENCING ASSOCIATION
GRIEVANCE AND DISCIPLINE COMMITTEE
COMPLAINT and HEARING PROCEDURES**

Restated and Adopted on September 19, 2026

SECTION 1. INTRODUCTION AND DEFINITIONS

The following Complaint and Hearing Procedures (“Procedures”) apply to Reports and Complaints that are filed with the United States Fencing Association (“USFA”) and are within the jurisdiction of the Grievance and Discipline Committee (“Committee”). Any person who becomes a member of USFA or participates in USFA-sanctioned events agrees to be subject to these Complaint and Hearing Procedures.

As used in these Procedures:

A **Report** is a submission to USFA alleging a violation of USFA’s Articles of Incorporation, bylaws, rules, regulations, or policies; the USOPC bylaws; or the Ted Stevens Olympic and Amateur Sports Act. A **Reporting Party** is the person or entity that submits a Report to USFA. The Reporting Party is not necessarily the Complainant and does not acquire party status in any proceeding solely by virtue of submitting a Report.

A **Complaint** is a formal document that initiates proceedings before the Committee. A **Complainant** is the person or entity formally filing a matter before the Committee. For disciplinary matters, the Complaint will generally be filed by USFA after review and investigation of the Report as described in Section 4, and USFA will serve as the Complainant. For non-disciplinary Reports described in §3.6.3 and §3.6.4, a private party may serve as the Complainant. In such cases, the Manager may, after initial review, designate the Report as the Complaint or require the Complainant to submit a Complaint in the form prescribed by these Procedures.

SECTION 2. JURISDICTION

The USFA Grievance and Discipline Committee is created and governed by the USFA Bylaws, and the policies, rules, and practices adopted by USFA. The purpose of these Complaint and Hearing Procedures is to provide a mechanism for adjudicating cases that fall within any of those policies or that allege conduct detrimental to USFA, and to adjudicate the grievances of USFA members. Nothing in these Procedures shall be construed as expanding or limiting the jurisdiction of the Committee.

The Committee shall not have jurisdiction over the following Reports or Complaints:

- (a) Reports or Complaints involving disputes over matters covered by USFA’s Black Card policy;
- (b) Reports or Complaints involving disputes over membership decisions made in relation to USFA’s background check policy;
- (c) Reports or Complaints concerning the resolution of disputes arising in the context of traveling teams where such resolution is directed to other personnel under separately stated USFA policies;
- (d) Reports or Complaints over which the Referees’ Commission is given exclusive jurisdiction, provided that with respect to any matter over which the Referees’ Commission has non-exclusive jurisdiction, the Manager, in consultation with the

- Referees' Commission Chair, shall determine which tribunal will adjudicate the Complaint;
- (e) Reports or Complaints relating to Anti-Doping under the jurisdiction of the United States Anti-Doping Agency or the doping rules of FIE;
 - (f) Reports or Complaints over which the US Center for SafeSport has exclusive jurisdiction or has given USFA notice that it is exercising discretionary jurisdiction;
 - (g) Reports or Complaints involving the Field of Play or within the purview of the Rules of Competition, unless other USFA Policies are clearly implicated by the alleged misconduct;
 - (h) Reports or Complaints involving non-members, such as action taken against non-members under the Spectator Code of Conduct.

SECTION 3. REPORTS AND COMPLAINTS

§3.1 Reports via the Portal. Any person may submit a Report through the USFA Reporting Portal. A Report may be anonymous, although identification is encouraged and may be necessary for the Committee to take further action.

§3.2 Confidentiality of Reports. Reports are confidential. The Manager may share Reports on a need-to-know basis with the Committee Chair, the CEO, or other appropriate USFA personnel. Reports shall not be disclosed to the Respondent or the public except as authorized by these rules or as required by law, USOPC policy, or the U.S. Center for SafeSport.

§3.3 Contents of Report. A Report alleging a violation of the Ted Stevens Olympic and Amateur Sports Act (the "Act"), USOPC Bylaws, USFA Articles of Incorporation, USFA Bylaws, any USFA rule, regulation, or policy (except as set out below), or any grievance of a USFA member against another member or the USFA itself shall:

§3.3.1 Identify the individual or body filing the Report ("Reporting Party"), with membership number where applicable, and the individual(s) or body(ies) against whom the Report is filed ("Respondent") including, where available, the membership number and any contact information the Reporting Party has for the Respondent. The USFA, its Board, or any of the Committees of the Board may act as the Reporting Party.

§3.3.2 Set forth a statement in clear and concise language of the conduct or omission that is alleged to constitute a violation or upon which the grievance is based;

§3.3.3 Identify, where possible, any specific policy or rule that the Reporting Party alleges has been violated;

§3.3.4 Be signed by the person making the Report or, where the Reporting Party is a minor, by the minor's parent or legal guardian, who shall attest to its validity, under express affirmation that all factual statements contained in the Report are true to the best of the Reporting Party's knowledge, information and belief;

§3.3.5 Provide a telephone number and sufficient contact information for the Reporting Party or the Reporting Party's counsel or representative (or, for a minor, the minor's parent or legal guardian) to permit the exchange of information in written or electronic form (physical address or email);

§3.3.6 State the relief sought, except that the relief specifically requested shall not serve as a limitation on the relief that the Hearing Panel may grant.

§3.3.7 Attach documentation or materials to support initial review of the Report. Attachment of information or materials shall not serve as a bar to the Reporting Party's subsequent provision of information in accordance with the Hearing Panel's procedural orders or at the hearing, unless doing so would unfairly disadvantage the Respondent.

§3.3.8 If the Report alleges denial of an opportunity to compete in a Protected Competition, the Report shall also identify the Protected Competition and any other person(s) whose opportunity to participate may be affected by the Committee's adjudication.

§3.4 Timeliness of Reports/Statute of Limitations. Except as otherwise provided herein, a Report alleging a grievance, violation of USA Fencing's Bylaws, rules, policies, codes of conduct, or other misconduct subject to these Procedures must be filed within two (2) years from the date of the alleged conduct giving rise to the Report. The Grievance & Discipline Committee may, for good cause shown and in the interests of fairness, safety, or the integrity of the sport, consider a Report filed outside this limitations period. In determining whether good cause exists, the Committee may consider, among other factors, when the Reporting Party knew or reasonably should have known of the alleged conduct, whether the alleged conduct was concealed, the age or circumstances of the Reporting Party at the time of the alleged conduct, the continuing or recurring nature of the alleged conduct, the availability of relevant evidence, and any other circumstances the Committee deems relevant.

§3.4.1 SafeSport Matters. Notwithstanding the foregoing, no statute of limitations or other time bar under these Procedures shall apply to allegations, reports, or conduct that fall, or may reasonably fall, within the jurisdiction or authority of the U.S. Center for SafeSport under the SafeSport Code, federal law, or other applicable policies or requirements. Nothing in these Procedures shall prohibit, limit, delay, or otherwise affect the reporting or referral of any matter to the U.S. Center for SafeSport, law enforcement, or any other authority with jurisdiction over the alleged conduct. To the extent USA Fencing has jurisdiction or authority to address conduct that is also reported or referred to the U.S. Center for SafeSport, USA Fencing may take such action as is permitted or required by applicable law, the SafeSport Code, USA Fencing policies, or other governing requirements, without regard to the limitations period set forth above.

§3.5 Role of the Manager. The USFA General Counsel or their designee will serve as the Manager for any Report. In all cases, the Manager (and any designee) shall be a disinterested individual. In the event of a conflict, the CEO, the Chair of the Board of Directors, or the Committee Chair will serve as the Manager or appoint a designee (including external investigators or counsel) to serve as the Manager. The Manager may designate external investigators or counsel

as necessary. The Manager is responsible for handling the Report as described in this policy. The Manager shall have the authority to file a Report (or, in appropriate circumstances, a Complaint) on behalf of USFA even in the absence of a Reporting Party. The Manager shall have the power to set any necessary deadlines during any review, investigation, or appeal.

§3.6 Incomplete Reports. If a Report does not contain the information required under §3.3, the Manager shall notify the Reporting Party of the deficiency and provide a reasonable period for compliance. If a Reporting Party fails to comply with §3.3, the Manager may dismiss the Report.

§3.7 Processing of Reports and Filing of Complaints.

§3.7.1 For all Reports, the Manager will conduct an initial review to determine whether there is jurisdiction consistent with Section 2. The Manager shall dismiss any Report that is outside the Committee's jurisdiction. The Manager may refer the Report to any relevant entity, committee, or organization that may have jurisdiction.

§3.7.2 For Reports involving violations of USFA's FenceSafe, Code of Conduct, or other disciplinary policies, the Manager will handle the report as outlined in Section 4. Should the Report not be resolved under Section 4, the Manager may file a Complaint with the Committee. USFA will serve as the Complainant.

§3.7.3 For Reports alleging the denial of an opportunity to compete in a Protected Competition, USFA shall be named as a Respondent and shall have the right, in its discretion, to defend against that Report. In appeals in which Section 13 of the Athlete Handbook applies, the appealing party shall be named as the Complainant and the other party the Respondent. In these circumstances, the Report may serve as the Complaint and the confidentiality provisions of §3.2 will not apply, or the Manager may require the Complainant to prepare and file a formal Complaint. The Manager will send the Complaint to the Committee Chair to appoint a Hearing Panel and for a hearing, consistent with Section 6.

§3.7.4 In all other matters, following initial review by the Manager, the party filing the initial Report shall be designated the Complainant and the other party the Respondent. USFA may substitute as Complainant in any matters brought under these rules at its sole discretion. In these circumstances, the Report may serve as the Complaint and the confidentiality provisions of §3.2 will not apply, or the Manager may require the Complainant to prepare and file a formal Complaint. The Manager will send the Complaint to the Committee Chair to appoint a Hearing Panel and for a hearing, consistent with Section 6.

SECTION 4. REVIEW AND RESOLUTION OF DISCIPLINARY REPORTS

§4.1 Manager Review and Resolution of Reports. After receiving a Report under §3.6.2, the Manager shall review the submission and determine the appropriate disposition as described in this Section.

§4.2 Initial Inquiry. When USFA becomes aware of a potential violation of its Policies through a report, the Manager will begin an initial inquiry. In the initial inquiry, the Manager shall first review the concern to determine whether the alleged violation is within USFA's jurisdiction and whether the underlying facts, if taken as true, give rise to an actionable claim. If the matter is an actionable claim within USFA's jurisdiction, the review will continue. If the matter is not an actionable claim within USFA's jurisdiction, the matter will be closed for lack of jurisdiction.

§4.3 Investigative Review. After the initial inquiry, the Manager or their designee shall conduct a review. At this stage, the Manager will draft and send a Notice of Allegations to the Respondent. The Notice should be sent to the Respondent within 14 business days after receipt of a properly filed Report absent good cause, in the Manager's discretion, for delay. The Notice must include the Respondent's name and identifying membership information, the alleged grounds of the violation, and the evidence or a summary of the evidence supporting the allegation. During the review, the Manager or their designee may take whatever steps deemed necessary in their discretion to conduct a full review of the matter, including but not limited to:

- Reviewing applicable USFA Bylaws, applicable authorities, and relevant policies;
- Making requests for and reviewing documentation related to the matter;
- Conducting open-source research;
- Reviewing any evidence related to the matter;
- Interviewing involved parties, including the Reporting Party, the Respondent, and any witnesses;
- Making relevant credibility determinations.

§4.4 Grounds for Dismissal. If the Manager finds cause to do so, a Report may be dismissed during the initial inquiry or investigative review for reasons including but not limited to:

- Lack of jurisdiction;
- Failure to state an actionable claim;
- Insufficient evidence to support the claims by a preponderance of the evidence;
- Lack of participation by a necessary party or witness;
- The issue has been previously adjudicated.

§4.5 Agreed Resolution. Where possible, the Manager may resolve a Report in advance of hearing by agreement of USFA and the Respondent. Such agreed resolutions may consist of any disposition that could result from a full panel hearing and may include an offer of diversion.

§4.5.1 The Manager shall have the authority to resolve the Report upon terms approved by the Chief Executive Officer and the Committee Chair (or, in the event of a conflict, their designee).

§4.5.2 Agreed resolutions shall be reduced to writing and become effective upon acceptance by USFA and the Respondent, which acceptance may be evidenced by signature, confirming email or other recognizable means of assent. A Reporting Party may be provided notice of the agreed resolution.

§4.6 Resolution after Review. After the review, if the Report is not dismissed or resolved under §4.5, the Manager will conclude whether a violation occurred.

§4.6.1 Burden of Proof. USFA’s Manager conducts the review 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.

§4.6.2 Notice of Determination. The Manager will send the Respondent a notice of the Manager’s determination. The Manager may also provide the notice to the Reporting Party.

§4.6.3 Sanction. If the Manager determines that, in their judgment, a violation occurred, the Manager, with the approval of the CEO and the Committee Chair, will assess what disciplinary sanction (or combination of sanctions) is appropriate. The disciplinary sanction will be included in the Notice. Disciplinary sanctions include, but are not limited to:

- Warning (public or private),
- Probation, with or without conditions,
- Limitations on access to USFA facilities,
- Performance of a specified task(s), such as a formal written or oral apology or completion of training or education.
- Suspension for a specified duration,
- Lifetime ban/permanent ineligibility.

The Manager’s approved decision to impose a sanction(s) that does not impact the ability to participate, including a warning (public or private), probation (with or without conditions), or completion of training and education, is final and not subject to hearing or appeal.

§4.7 Request for a Hearing. For any disciplinary actions that will impact a Respondent’s ability to participate, the Notice will include information on the proposed discipline and about how the impacted individual may request a hearing within a reasonable time (10 business days) before such discipline takes effect.

As required by the Act, in no case will USFA 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 a Respondent communicate that they accept such discipline with no hearing, or do not request a hearing before the deadline communicated in the Notice of Determination (10 business days after receipt), the Respondent will be deemed to have waived their opportunity for a hearing.

After a request for a hearing, the Manager shall prepare a Complaint that complies with the requirements under §3.3 and submit it to the Chair of the Committee as described in Section 6.

§4.8 Receipt of Notices. Throughout these Procedures, notice is deemed received on the day it is sent to the email address on file in USFA’s membership database.

SECTION 5.

SAFETY PLANS AND INTERIM MEASURES

§5.1 Safety Plans. At any time after receiving a Report, the Manager may impose a Safety Plan. A Safety Plan is a condition or set of conditions that a Respondent must follow while participating with USA Fencing that does not affect the ability to participate in sport. The decision to impose a Safety Plan is not reviewable or subject to appeal.

§5.2 Interim Measures. At any time after receiving a Report, if the Manager determines that an individual's continued membership or participation poses an immediate risk of ongoing physical or emotional harm, the Manager may impose Interim Measures to limit or remove the ability of the Respondent to participate in sport. Interim Measures include but are not limited to restrictions on participation or a temporary suspension, pending final resolution of the report. In such instances, USA Fencing will provide the individual with notice of the Interim Measures. The individual will then have five business days to request a Hearing to contest the Interim Measures, or the Interim Measures will remain in place until the conclusion of the case. Once requested, a hearing to contest Interim Measures will be held within 10 business days.

USA Fencing may temporarily suspend the Respondent where there is a reasonable belief that the Respondent has committed emotional, physical or sexual misconduct or has been subject to a criminal disposition other than a petty offense. Evidence which may be found sufficient to support a reasonable belief includes, at a minimum:

- The suspension or termination of employment or membership by a national governing body or other sport organization;
- A FenceSafe or SafeSport Report Form with specific and credible information;
- Other legal documentation or report supporting a reasonable belief that the Respondent has committed emotional, physical or sexual misconduct, including but not limited to abuse of a child, or has been subject to a criminal disposition (e.g., a criminal charge, conviction or plea bargain of other than a petty offense).

§5.3 Hearing to Contest Interim Measures. Hearings to contest Interim Measures will be conducted by a three-person panel of the Board of Directors or, in the Board's sole discretion, a hearing of the entire Board. At least one-third of the Panel will consist of an athlete representative. At least 48 hours before the hearing, the Respondent and the Manager (or their designee) may submit any relevant evidence to the Panel. At either Party's request, the Panel may permit either side to submit a position statement before the hearing. The Respondent may be represented by a representative, who may (but need not be) a licensed attorney. The hearing is not a hearing on the merits of the underlying charges. The Panel will decide whether Interim Measures are reasonably appropriate to mitigate risk to the sport and its participants under the totality of the circumstances. The hearing will consist solely of oral arguments and questions from the Panel. No witness testimony is permitted. The Panel will issue a written decision within 24 hours of the hearing. The Panel may accept, modify, or eliminate the Interim Measures. A decision on Interim Measures is not admissible in any later hearing on the merits.

SECTION 6.

COMPLAINT DISTRIBUTION AND APPOINTMENT OF HEARING PANEL

§6.1 Complaint Distribution. After preparation of a Complaint under §3.6.3 or §3.6.4, or following request for a hearing under §4.7, the Manager shall forward the Complaint to the Committee Chair.

§6.2 Initial Review by the Committee Chair. The Committee Chair, or their designee, shall perform an initial review of materials provided with the Complaint to ensure that the Complaint is complete under the provisions of Section 3 and that it is not frivolous, beyond the Committee's jurisdiction, imprudent in light of existing or available collateral proceedings (such as other civil, criminal, or administrative proceedings) or otherwise inappropriate for the Committee's consideration. Any decision by the Committee Chair regarding its exercise of jurisdiction over the Complaint may be undertaken by the Committee itself as well and may be made at any stage of the proceedings. A decision to dismiss under this section may be appealed pursuant to Section 11.

§6.3 Dismissal of Complaint. The Committee Chair or Committee may dismiss a Complaint that fails to comply with the provisions of Section 3 after giving the Complainant reasonable notice of deficiencies and an opportunity to cure them. If the Complainant does not cure the deficiencies within that defined period, the Complainant shall be barred from filing another Complaint arising from the same transaction or event unless the Committee finds special circumstances warranting an additional extension. A decision to dismiss under this section may be appealed pursuant to Section 11.

§6.4 Dismissal in Writing. If the Committee Chair or the Committee dismisses the Complaint under Sections 6.2 or 6.3, they shall state the reasons for dismissal in writing, which shall be communicated to the parties.

§6.5 Service on Respondent. If the Complaint is not dismissed upon initial review by the Committee Chair or Committee, the Committee shall instruct the Manager to serve the Complaint on the Respondent(s), including notice of the alleged violation or charges and all supporting documents, and the consequences, possible sanctions, or remedy requested in the event a violation is determined to have occurred, within 14 business days after receipt of a sufficient Complaint together with a copy of these Complaint and Hearing Procedures through the Respondent's e-mail address on file with the USFA or, in the absence of same, at the address or email address provided by the Reporting Party.

§6.6 Answer. The Respondent may file an Answer to the Complaint within 7 business days of receipt. The failure to file an Answer shall be deemed to constitute a denial of the allegations of the Complaint. The Manager shall ensure that the Complainant receives a copy of the Answer within a reasonable time prior to the hearing.

§6.7 Appointment of Panel. After the initial review has been completed and the Complaint accepted, the Committee Chair shall assign the Complaint to a Hearing Panel of three members, at least one of whom shall be an athlete satisfying the requirements of the USOPC Bylaws and who shall be appointed by the Chair of the USFA Athlete Council. Hearing Panel members may be but need not be members of the Committee and may be but need not be "independent" as that

term is defined in the USFA Bylaws. All Hearing Panel members shall be impartial and free of any actual or apparent conflicts of interest in the matter. The Committee Chair shall designate one of the Hearing Panel members to serve as Panel Chair. In selection of the Panel Chair, preference shall be given to individuals with education or experience in the practice of law or arbitration.

When a matter is referred from the Board of Directors or another committee or group, including but not limited to the USFA Ethics Committee or the Black Card Review Group, the Committee Chair may appoint a panel as provided in the preceding paragraph or may submit the matter to the full Grievance and Discipline Committee itself, provided that 1/3 of the appointed Committee members are athlete representatives who meet the requirements of the USOPC Bylaws and who shall be appointed by the Chair of the USFA Athlete Council. The Committee Chair, or their designee, shall chair the hearing under the latter circumstances.

Once appointed, the Panel Chair shall preside over all proceedings before the Hearing Panel.

§6.8 Panel shall be disinterested. All Hearing Panel members shall be impartial, disinterested and shall be free of any actual or apparent conflict of interest. Within a reasonable time after appointment to a Hearing Panel, each Hearing Panel member shall expressly confirm that they have no known conflicts or shall disclose any conflicts or potential appearances of impropriety. Upon appointment of the Hearing Panel, and after passage of the time specified in this Section, the Committee Chair shall instruct the Manager to notify the parties of the identity of the Hearing Panel members. Throughout this process, all members of the Hearing Panel shall be subject to the USFA's Conflicts of Interest Policy and shall adjust their involvement, including recusal or withdrawal as necessary, in accordance with that policy.

§6.9 Objections to the Panel. Upon appointment of the Hearing Panel, the Manager shall promptly provide written notice to all parties identifying the members appointed to serve on the Hearing Panel. Any objection to the composition of the Hearing Panel must be made within 10 business days of notice of the Hearing Panel composition. In the event any party objects to the composition of the Hearing Panel, the Committee, without the participation of any member designated to serve on the Hearing Panel, shall determine the validity of such challenge. A challenge shall be upheld if the challenged member's service involves an actual conflict or reasonably creates an appearance of a conflict or other impropriety, and any member so removed shall be replaced by the Committee Chair, ensuring that the composition of the Hearing Panel satisfies the requirements set out above.

§6.10 The Committee shall endeavor to maintain a pool of qualified Hearing Panel members approved by the Board of Directors.

§6.11 The deadlines may be accelerated by the Hearing Panel or agreement of the parties as necessary.

SECTION 7. PRE-HEARING PROCEDURES

§7.1 Deadlines and Scheduling. Absent good cause, the Panel Chair shall consult with the parties within 10 business days after the Hearing Panel is confirmed, after which the Panel Chair shall impose dates for (a) the hearing and for any pre-hearing conferences the Hearing Panel deems necessary, (b) the parties' exchange of all exhibits to be used as evidence, (c) the parties' exchange of identification of witnesses, their contact information, and a brief statement as to the subject matter of their testimony, (d) submission of hearing briefs by the parties if desired by the Hearing Panel or the parties, and (e) any other preliminary matters. If both parties waive their right to a hearing, the Hearing Panel may adjudicate the matter on written submissions. Any deadlines established in the preliminary conference shall allow sufficient time for each party to examine evidence so as reasonably to prepare for the hearing.

§7.2 Preliminary Hearing Order. The Panel Chair shall issue a Preliminary Hearing Order setting out the deadlines established under §7.1. The Hearing Panel, may, on its own accord or upon request of a party and for good cause, amend any of the dates set out in the Preliminary Hearing Order.

§7.3 Hearing within 90 days. Absent just cause for delay, the Panel Chair shall schedule the hearing within 90 days of the Hearing Panel being finalized.

§7.4 No Ex Parte Communication. No party or party representative shall engage in any *ex parte* communication with the Panel Chair or the members of the Hearing Panel. All requests for relief shall be made in writing and submitted to the Hearing Panel, with a copy to the opposing party(ies). When a party has designated a representative, all communications to that party shall be through the representative only. In the interest of the privacy of panel members, the Panel Chair may require that all communications to the Hearing Panel be sent to the Panel Chair only. The Panel Chair will then ensure that all communications are disseminated to the panel members.

§7.5 Additional Procedural Orders. The Hearing Panel may impose such other procedural orders as it deems necessary to the fair and efficient conduct of proceedings.

§7.6 Motion to Dismiss. A Respondent may seek dismissal of a Complaint on any grounds set out for denial of jurisdiction above by filing a motion with the Hearing Panel, except that the filing of a motion shall not stay the running of any other deadlines established hereunder unless ordered by the Hearing Panel. The Complainant shall have 7 business days to respond to such motion or such additional time as the Hearing Panel may order. The Hearing Panel may deny the motion to dismiss without awaiting a response from the Complainant.

§7.7 Withdrawal of Complaint. Once the Hearing Panel has taken jurisdiction of a matter, the Complainant may withdraw the Complaint only with the Hearing Panel's permission and under such conditions as the Hearing Panel may impose, which may include the payment of any costs.

§7.8 Special Considerations for Hearings involving the Denial of an Opportunity to Compete. In light of the special nature and timing considerations related to Complaints alleging the denial of an opportunity to compete in a Protected Competition, a party may request expedited procedures at the time the Complaint or Answer is submitted, or as soon thereafter as the need for expedited consideration becomes known. The request shall identify the basis for expedited consideration.

Upon receipt of such a request, or on its own initiative, when necessary, the Hearing Panel may impose additional or different requirements from those set out herein, including but not limited to shortening any time period hereunder.

§7.9 Remedial Measures for Non-Compliance. The Hearing Panel may impose such remedial measures as it may deem advisable for the failure of any party to comply with the procedural orders of the Hearing Panel.

§7.10 Temporary Orders. In appropriate cases, the Committee Chair before appointment of the Hearing Panel, and the Panel Chair after such appointment, following an initial investigation and after providing the Respondent an opportunity to be heard, may impose such temporary orders (prohibitory or mandatory in nature) as may be necessary for the good of the sport of Fencing and the protection of USFA or its members. Any temporary orders may encompass any remedy or order permissible in a final decision. Nothing in this Section shall preclude imposition of temporary orders or interim measures under FenceSafe policies or Section 5 of this policy.

§7.11 No Discovery. The parties shall not be entitled to general discovery from USFA. The Panel, on request or on its own initiative, may order USFA to provide specific documents or information if a Party can show the document or information is relevant and narrowly tailored to a claim or defense. If requested by USFA, the Panel must order the requesting party to reimburse USFA prior to production of the documents or information for the reasonable costs and expenses in producing the materials.

§7.12 Mediation and Agreed Resolutions. Where possible, cases may be resolved in advance of hearing by agreement of the parties. Such agreed resolutions may consist of any disposition that could result from a full panel hearing. Where USFA is the Complainant, the requirements of §4.5 will be followed. In all other cases, the Manager may encourage the parties to consider mediation and serve as an intermediary between the parties or act as a mediator for them. Nothing in these Procedures shall prevent the parties from seeking other assistance in achieving a resolution. Agreed resolutions shall be reduced to writing and become effective upon acceptance of all parties to the Complaint, which acceptance may be evidenced by signature, confirming email or other recognizable means of assent.

SECTION 8. CONDUCT OF HEARINGS

§8.1 Form of Hearing. A hearing before the Hearing Panel may be held in person, telephonically, or through a videoconference service. The hearing may be recorded for the sole purpose of review by the panel members in deliberation or for review during appeal proceedings. The hearing shall be held in real-time and shall provide all parties the opportunity to attend and participate in the entire proceedings (except deliberations by the Hearing Panel) unless the right to a hearing is waived by the parties. Where appropriate and with the consent of the parties, the hearing may be conducted in part through written means and in part by testimony and oral argument, except that the Hearing Panel shall not consider any written or oral evidence that the opposing party has not been given an opportunity to rebut. Hearings shall be conducted fairly and in an orderly fashion, but without regard for the formalities of traditional courtroom procedures.

§8.2 Failure of a Party to Appear. If any party fails to be available without good cause shown in advance, the hearing may go forward at the duly noticed time and proceed to judgment despite that person's absence. If the Panel Chair determines that in the interests of justice and the sport of Fencing the hearing cannot proceed without the absent party, the Panel Chair may adjourn the hearing and reschedule it for such time as is necessary for the absent party to be present. Any subsequent absence may be considered by the Hearing Panel in reaching its decision, and the Hearing Panel may impose reasonable conditions on the missing party for continuation of the hearing.

§8.3 Conduct of the Hearing. The hearing shall be conducted in the following manner, and the Hearing Panel may set reasonable time limits for each portion of the hearing consistent with the nature of the hearing and relief sought.

§8.3.1 The Panel Chair shall open the hearing and conduct such preliminary matters as may be necessary. The Hearing Panel may continue any hearing, or recess a hearing that has been commenced, for good cause shown.

§8.3.2 Each party shall have the opportunity to make a brief opening statement.

§8.3.3 The Complainant shall call each of its witnesses for examination, which witnesses shall be sworn upon their oath, substantially as follows: "I do hereby swear or affirm under penalties of perjury that the testimony I give shall be true and complete." In lieu of formal examination, the witnesses may make a statement after being sworn. Upon completion of each witness's examination or statement, the opposing party(ies) or their counsel may cross-examine the witness. The Panel Chair shall have the power to limit the examination of witnesses as may be necessary to avoid the introduction of irrelevant evidence, to protect against harassment or intimidation of any witness, or to avoid repetitive testimony, except that the Panel Chair may not bar the cross-examination of any witness as to relevant matters introduced as part of that witness's direct examination or their statement in lieu of testimony. The Complainant shall then have the opportunity to conduct re-direct examination, and the witness shall have the opportunity to make a concluding statement limited to the issues that were raised in cross-examination. No further examination or statements shall be permitted except as the Panel Chair may permit in their discretion. Exhibits may be presented through witnesses, by stipulation or in any other way permitted by the Hearing Panel.

§8.3.4 After conclusion of the presentation of witnesses or witness statements by the Complainant, the Respondent(s) shall have the opportunity to present witnesses and exhibits in the same manner as stated in Section 8.3.3.

§8.3.5 After the conclusion of the presentation of evidence by the Respondent(s), the Complainant shall have the opportunity to present rebuttal witnesses and exhibits in the same manner as above, but only to respond to new evidence that was presented by Respondent's witnesses.

§8.3.6 After conclusion of the Complainant's rebuttal evidence, each side shall be permitted to give closing argument. The Panel Chair shall decide on the time limits for such closing arguments and whether they are to be delivered orally or in writing. The Complainant may divide closing argument time to permit rebuttal of the Respondent's closing argument.

§8.3.7 The Hearing Panel members may question any witness presented by the parties. The Panel Chair shall direct the order of such questioning and any follow-up questions by the parties.

§8.3.8 The Hearing Panel shall issue a written decision and findings of fact and deliver it to the Manager, who shall serve it on the parties within 10 business days. The decision shall include a summary of the facts, the specific policy or policies violated, a summary of the Panel's reasoning, the sanction imposed (if any), and any aggravating and mitigating factors for any sanction which is imposed. The Panel Chair shall complete any hearing information form used by USFA.

§8.3.9 No failure to satisfy the timing requirements of any of these Complaint and Hearing Procedures by USFA or by any Hearing Panel shall serve to invalidate any decision or to deprive the Hearing Panel of jurisdiction over the Complaint.

§8.3.10. If the Hearing Panel determines that any Complaint is frivolous, groundless, or vexatious, or if a Complainant fails to appear at a duly scheduled hearing, the Hearing Panel may impose a charge of up to \$250 against the Complainant for each infraction.

§8.4 Representation. The Complainant(s) and the Respondent(s) shall be entitled to be represented by a person of their choice at their own expense. Such representative may, but need not be, an attorney.

§8.5 Admissibility of Evidence; Privilege. Judicial rules regarding admissibility of evidence shall not apply to the Hearing Panel, except that the Hearing Panel shall respect all lawful claims of privilege based on Colorado law.

§8.6 Attendance at Hearing. Any hearing, or a part thereof, shall be open to members of the Hearing Panel, any attorney advising the Panel Chair, the Complainant(s), the Respondent(s), any other real party in interest, or their representatives. The Hearing Panel shall exclude from the hearing any witnesses except during the witness's testimony unless the witness is also a real party in interest or their representative. The record of the hearing and the Hearing Panel's decision shall be kept confidential by the Hearing Panel, the Committee, USFA, the parties, and the Board of Directors on appeal, except for an executive summary and such public sanctions as may be imposed. Notwithstanding the foregoing, the Panel Chair may in the interests of justice and the sport of Fencing remove or limit the requirement of confidentiality as to all or part of the record.

§8.7 Burden of Proof. In all hearings, the Complainant shall bear the burden of proving any alleged violation by a preponderance of the evidence.

§8.8 Transcript. The Complainant(s), the Respondent(s) and any other person participating in a hearing conducted by a Hearing Panel shall, at their own cost, have the right to arrange for a transcription of the proceedings. The transcriber shall be subject to any applicable rules of the proceedings and shall not disrupt or interfere with the proceedings. A copy of the transcription shall be provided to all parties involved upon request and the transcript and copies thereof shall be treated as part of the record of the hearing under §8.6.

SECTION 9. SANCTIONS

A Hearing Panel, after conducting such investigation or hearings as they may determine to be necessary, may impose any of the following sanctions or resolutions:

§9.1 Dismiss the Complaint with or without permission to re-file;

§9.2 Censure a party, publicly or privately (public censures are not considered confidential under §8.6);

§9.3 Establish a period of probation, with or without conditions;

§9.4 Deny, grant, suspend or restore the eligibility or right to compete or participate of any member of USFA;

§9.5 Deny, grant, suspend, ban, or restore membership in USFA for a definite or indefinite period of time, with or without terms of probation, or expel any member of USFA, including, without limitation, any administrator, athlete, coach, trainer, manager, official, officer, Board Member, spectator, employee, chair or member of any committee or sub-committee;

§9.6 Assess actual costs to the prevailing party;

§9.7 Impose any sanction identified in §4.6.3; and

§9.8 Assess sanctions in any combination of the foregoing or assess any other remedies, including reasonable fines, deemed appropriate under the circumstances.

§9.9 Repeat or Habitual Violator. In imposing sanctions, the Panel may consider whether the Respondent is a repeat or habitual violator of USFA policies in determining the severity of the sanction warranted.

SECTION 10. ANTI-RETALIATION AND INTERFERENCE

§10.1 Retaliation Prohibited. No person shall engage in any retaliation against any Protected Individual who files a Complaint under these procedures or participates in the defense or prosecution of such a Complaint. For purposes of this policy, "retaliation" means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including, but not

limited to, removal from a training facility, reduced coaching or training, reduced meals or housing, removal from competition, harassment, or abuse carried out against a Protected Individual as a result of any communication, including the filing of a formal Complaint by the Protected Individual or a parent or legal guardian of the Protected Individual relating to an allegation of physical abuse, sexual harassment, or emotional abuse, or otherwise given in connection with any proceeding conducted under these procedures. The phrase “Protected Individual” shall be read to include (but not be limited to) any amateur athlete, coach, trainer, manager, administrator, or official associated with the United States Olympic and Paralympic Committee, any National Governing Body and person who serves as a witness, who provides information in support of any investigation, or in any manner is associated with the investigation or pursuit of prosecution or defense of a Complaint filed hereunder, regardless of whether that person testifies. The violation of this Section shall constitute a violation of a USFA rule and shall be subject to sanctions hereunder.

§10.2 Interference Prohibited. No person shall interfere with proceedings under these procedures by intimidating or otherwise imposing on or attempting to influence parties, witnesses, potential witnesses, Hearing Panel or Committee members, or any person associated with the investigation, pursuit, prosecution or adjudication of a Complaint filed hereunder with the intent of preventing, changing or limiting their participation in such proceedings, nor shall any person without good and just cause attempt to delay, disrupt or prevent such proceedings. The violation of this Section shall constitute a violation of a USFA rule and shall be subject to sanctions hereunder.

§10.3 Termination or Suspension without Pay for Retaliation. If the review concludes that a USFA employee 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 Act.

SECTION 11. APPEALS

§11.1 Appeals. The decision of the Hearing Panel or the dismissal of a Complaint under §6.2 or §6.3 may be appealed to the Board of Directors. A request for appeal must be filed with the Manager within 10 business days of the date the decision of the Hearing Panel is communicated to the appealing party, or the appeal will be considered untimely and will be dismissed with prejudice. No appellant shall have the right to a hearing de novo before the Board of Directors.

§11.2 Standard of Review on Appeal. The Board of Directors shall review a decision of a Hearing Panel or the dismissal of a Complaint under §6.2 or §6.3 for abuse of discretion, including whether the decision (1) was arbitrary and capricious, (2) based on findings of fact that are clearly erroneous based on the record as a whole, or (3) unsupported by substantial evidence when the record is considered as a whole.

§11.3 Appeal Procedures. The Manager shall set appropriate deadlines for the filing of any written submissions or evidence to the Board for consideration in the appeal. The Appeal will be

set at the next Regular or Special meeting of the Board of Directors unless the Manager determines that the Appeal should be heard by the Board of Directors at an earlier or later date, in which event the Manager may request the Chair of the Board of Directors to schedule a Special meeting for that purpose. The Appeal is heard on the written submissions of the parties and the hearing record only (including any evidence presented and a transcript if one was produced), and no party shall have the right to appear before the Board of Directors. The Board of Directors, or their designee, will issue a written determination via email to the parties.

§11.4 Arbitration in Certain Circumstances. The USFA shall submit to binding arbitration, through the arbitral body designated by the USOPC, any controversy involving the opportunity of any athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition in the sport of fencing, as lawfully provided for in the Bylaws of the USOPC. An individual may request arbitration at any point in the process outlined in this policy, including simultaneously to filing the request for a hearing, and is not required to exhaust other remedies before demanding arbitration.

§11.5 Section 9 of the USOPC Bylaws. 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.¹ 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.

§11.6 Section 10 of the USOPC Bylaws. 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.

SECTION 12. CONTACT INFORMATION

These Procedures are administered by USFA's General Counsel, whose name and contact information can be found here: <https://www.usafencing.org/fencesafe-report>.

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 NGB 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 their NGB to understand additional resources and options available to them.

¹ While a Section 9 complaint is presented here as an option that may be pursued by an aggrieved party following review of an Opportunity to Participate complaint under these Procedures, this provision is not intended to imply that an individual must exhaust remedies under these Procedures before filing a Section 9 complaint with the USOPC. An individual may proceed directly to a Section 9 rather than first seeking relief under these Procedures.

EMAIL: ombudsman@usathlete.org

WEBSITE: www.usathlete.org