

ARTICLE IX
Grievances, Suspensions and Appeals

A. Grievances. Every member of the USSA shall have the right to pursue written grievances concerning actions by the USSA, its Board, any of its committees, or any of their members acting in their official capacities in accordance with the procedures set forth below:

1. A grievance shall be defined as an allegation by a member that the USSA, its Board, any of its committees or any member while acting in an official capacity has violated the Articles of Incorporation or bylaws of the USSA or the official written policies and procedures of the USSA, or has failed to discharge its obligations as a National Governing Body under the USOC Bylaws or the Amateur Sports Act. The grievance procedures set forth in this Section A do not apply to the USSA staff employment issues, Competition Jury appeals, Team Selection appeals or Suspensions or to matters falling within the jurisdiction of the United States Center for SafeSport. Grievances do not include complaints against or disapproval of policy decisions of the Board, and the USSA Judicial Committee shall respond to any effort to raise such issues in the form of a grievance by notifying the complainant in writing that the USSA Judicial Committee lacks jurisdiction over policy decisions, and that such issues should be brought to the attention of the CEO, the relevant Sport Committee, or the Board through a Board member or during the open comment period of the annual meeting. The USSA Judicial Committee may decline to consider a grievance, and instead refer the complaining party to the USOC's dispute resolution process if the matter complained of does not affect or concern the ability of a member to pursue athletic excellence within the USSA.

2. A complainant may initiate the grievance process by filing a written complaint with the principal office of the USSA. The Complaint shall include the following:

(a) The identity of the complainant;

(b) The identity of the member(s), Board(s), or committee(s) of the USSA against whom the grievance is directed (hereinafter collectively the "Respondents");

(c) A short and plain statement of the facts giving rise to the grievance, including the action at issue, the Articles of Incorporation, Bylaws or official written policies or procedures adopted by the Board which are alleged to have been violated by the action, the parties involved in the action, the harm to the complainant as a result of such action, and the relief sought;

(d) The signature of the complainant (and the signature of his/her parent or legal guardian if he/she is under eighteen (18) years of age); and

(e) Any reasonable filing fee adopted in advance by the Board.

3. Within ten (10) days of receiving the Complaint, a member of the the USSA Judicial Committee shall notify the Complainant in writing whether the USSA Judicial Committee shall hear the Complaint, refer it to a lower body, or decline to consider it entirely for the reasons set forth above. Normally, if the USSA Judicial Committee does not decline to consider the matter in its entirety, it shall refer the matter to a Sport Committee Judicial Committee for disposition. Notwithstanding the foregoing, the USSA Judicial Committee may choose to hear the matter if it is urgent or concerns a matter of great significance to the USSA.

4. Regardless of whether or not the USSA Judicial Committee chooses to hear the matter or refers it to a lower body, within thirty (30) days of receiving the Complaint, a member of the appropriate Judicial Committee shall complete an investigation and written report of the findings of his/her investigation, which report shall contain a preliminary ruling. The report and preliminary ruling shall be provided to the Complainant, Respondent, and the full body of the appropriate Judicial Committee.

5. Within ten (10) days of delivery of the report and preliminary ruling, the Complainant or any Respondent may demand a hearing by submitting written notice of such demand and any reasonable filing fee adopted in advance by the Board to the CEO, who shall in turn immediately forward copies of such notice to the Judicial Committee responsible for preparing the preliminary ruling. If the Complainant has already been afforded a hearing by a lower tribunal, the USSA Judicial Committee may decline to conduct a second hearing and will focus its review only on the adequacy of the process and the reasonableness and appropriateness of the result afforded by the lower tribunal based upon the written record. If the appropriate Judicial Committee grants either party's request for a hearing, it shall be scheduled and conducted at such time as is convenient for the committee and all parties, but in any event not more than one hundred twenty (120) days after the demand for hearing is made, unless all parties consent in writing to such delay. If the committee and the parties are unable to agree upon a convenient location for such hearing, then the hearing shall be conducted at the principal office of the USSA, but in such event, any party or member of the Judicial Committee may then participate in the hearing via telephone or video-conference. If no party demands a formal hearing, the report and preliminary ruling shall become final.

6. Each party shall have the following rights during the hearing:

(a) To be assisted or represented by legal counsel of the party's choosing;

(b) To call witnesses and present oral and written evidence and argument which the hearing panel, during the hearing, deems relevant;

(c) To confront and cross-examine adverse witnesses; and

(d) To have an audio, video or stenographic record made of the hearing at the party's own expense.

7. Within fifteen (15) days of the formal hearing, the committee shall issue written findings and conclusions, and shall issue its order, if any, along with a written explanation of the reasons for its order. If prepared by the USSA Judicial Committee the order so entered shall be non-appealable within the USSA.

8. The prevailing party in any grievance shall be entitled to a refund of any filing fees he/she has paid during the course of the grievance procedure.

B. Team Selection. Any member who believes that he/she has wrongfully been denied membership on any team whose members are selected through participation in "protected competition," as that term is defined in the USOC Bylaws, shall be entitled to appeal such decision in accordance with the following procedures:

1. As soon as possible after receiving notice of an adverse team selection decision (but in all cases within three (3) days of any written notice of such decision, unless the third day falls on a weekend or holiday, in which case such deadline shall be extended until the next business day), a member who believes that such decision was arbitrary or unreasonable shall file a written appeal with the CEO of the USSA. The written appeal may be filed in person, via facsimile, electronic mail, by regular mail or by other overnight delivery service. Failure to timely file such an appeal shall be deemed a waiver of any objections to the Team Selection decision, and that decision shall then become final and non-appealable within the USSA. The written appeal shall include the following:

(a) The identity of the appellant;

(b) The identity of the USSA representative apparently responsible for the decision (hereinafter collectively the "appellee");

(c) A statement identifying whether the appeal requires action within five (5) days, and if so, the reasons why "urgent" attention is required;

(d) Citation of the criteria, standards or other material which the appellant contends USSA was obliged to follow in rendering the decision at issue;

(e) A short and plain statement of all facts which the appellant contends demonstrate his/her satisfaction of the selection criteria at issue, and any other facts which the appellant contends demonstrate that the decision was not in accord with the published team selection procedures and criteria; and

(f) The signature of the complainant (and the signature of his/her parent or legal guardian if he/she is under eighteen (18) years of age).

2. Upon receiving the written appeal, the CEO shall immediately distribute a copy of the appeal to each member of the USSA Judicial Committee. Within ten (10) days of receiving the Complaint, a member of the USSA Judicial Committee shall notify the Complainant in writing whether the USSA Judicial Committee shall hear the matter or refer it to a lower body for disposition.

3. If the appeal is urgent (i.e., requires a decision within five (5) days), the USSA Judicial Committee shall convene a hearing via teleconference as soon as possible which shall include as many members of the Judicial Committee as can be gathered for the emergency teleconference after best efforts to obtain a quorum, and shall also include the aggrieved member and appellee if possible.

4. If the appeal is not urgent, the appropriate Judicial Committee shall schedule a hearing either in person or via teleconference at the earliest time convenient for members of the Judicial Committee, the aggrieved member and the appellee, and shall provide written notice of the date, and time for the hearing. Any person entitled to participate in the hearing may do so via teleconference.

5. Notwithstanding anything herein to the contrary, if the urgency of the appeal requires a decision before a quorum of the appropriate Judicial Committee can be gathered despite best efforts to obtain a quorum, then the decision of those Judicial Committee members who were able to participate in the hearing shall be final, and shall not be subject to attack on the basis that a quorum was not present.

6. In any hearing conducted under this section, the aggrieved member shall have the same rights afforded complainants with grievances under Section A, paragraph 6 of this Article.

7. In any hearing conducted under this section, the Judicial Committee shall affirm the team selection decision at issue unless the aggrieved member proves by clear and convincing evidence that the decision was not in accord with the published team selection procedures and criteria.

C. Non-Disciplinary Start Right and Participation Appeals. Any member of the USSA who claims that he/she is threatened with denial by the USSA or its representatives of the right to start or participate in any protected competition shall be entitled to review of such decision in accordance with the procedures set forth in this Section. The following procedures shall not apply to alleged denials of start rights or participation rights arising out of disciplinary proceedings conducted in accordance with Section D of this Article or to matters falling within the jurisdiction of the United States Center for SafeSport.

1. The officer, representative or staff member of the USSA responsible

for determining start or participation rights for any protected competition must immediately notify any member with any expectation of competing or participating in such competition of any decision limiting or blocking such member's competition or participation in the event, and must provide reasons for the decision.

2. As soon as possible after receiving notice that he/she will not be permitted to start or participate in a protected competition (but in all cases within three (3) days of any written notice of such decision, unless one or more of the days is a weekend or federal holiday, in which case such deadline shall be extended so as to afford the member the benefit of three business days), a member who believes that such decision was improper shall file a written appeal with the CEO of the USSA. The written appeal may be filed in person, via facsimile, by electronic mail, regular mail or by other overnight delivery service. Failure to timely file such an appeal shall be deemed a waiver of any objections to the decision, and that decision shall then become final and non-appealable within the USSA. The written appeal shall include the same information required under Section B, paragraph 1(a) through 1(f) of this Article.

3. Upon receiving the written appeal, the CEO shall immediately distribute a copy of the appeal to each member of the USSA Judicial Committee.

4. If the appeal is urgent (i.e., requires a decision within five (5) days), the USSA Judicial Committee shall convene a hearing via teleconference as soon as possible which shall include as many members of the Judicial Committee as can be gathered for the emergency teleconference, after using best efforts to obtain a quorum, and shall also include the aggrieved member and appellee if possible.

5. If the appeal is not urgent, the USSA Judicial Committee may refer the matter to a lower body within the USSA for disposition. In that case, the appropriate Judicial Committee shall schedule a hearing either in person or via teleconference at the earliest time convenient for members of the Judicial Committee, the aggrieved member and the appellee, and shall provide written notice of the date, time and type of hearing. Any person entitled to participate in the hearing may do so via teleconference.

6. Notwithstanding anything herein to the contrary, if the urgency of the appeal requires a decision before a quorum of the Judicial Committee can be gathered, then the decision of those Judicial Committee members who were able to participate in the hearing shall be final, and shall not be subject to attack on the basis that a quorum was not present.

7. In any hearing conducted under this section, the aggrieved member shall have the same rights afforded complainants with grievances under Section A, paragraph 6 of this Article.

8. In any hearing conducted under this section, the Judicial Committee

shall affirm the decision at issue unless the aggrieved member proves by clear and convincing evidence that the decision was improper.

9. If the USSA Judicial Committee refers the matter to a lower body for disposition, and the aggrieved member demands review of that body's decision, if a quorum of the USSA Judicial Committee can be gathered to meet in person or via teleconference prior to the start of the competition at issue, the aggrieved member shall be entitled to have the decision of the lower body reviewed. In any such appeal, the decision of the lower body shall be entitled to deference and shall be affirmed unless the aggrieved member proves by clear and convincing evidence that the decisions below were arbitrary or unreasonable.

D. Suspension from Participation in Competition. The USSA shall not, through its officers, employees, representatives or otherwise, suspend any member for disciplinary reasons (including violations of the USSA Code of Conduct or the provisions of any contract between the member and the USSA) from participating or competing in any future "protected competition" (as defined in the USOC Bylaws) without fair notice and the opportunity for a hearing concerning such action as set forth below. These procedures shall not apply to any matter falling within the jurisdiction of the United States Center for SafeSport.

1. General Provisions. Credible allegations that any member has violated any relevant federal, state or local law in connection with his/her participation in USSA activities, has violated USSA codes of conduct or agreements with the USSA, or other policies of the USSA and that such conduct warrants disciplinary action including suspension of competition eligibility may be presented to any member of the USSA Judicial Committee, or the CEO or his/her designee. Upon receipt of such credible allegations, it is the duty of such person to immediately notify the Chairman of the Board of Directors and the CEO of the same.

2. Long-term Suspension Proceedings. If the CEO or his/her designee determines that the member who is subject to any allegations contemplated by paragraph 1 (i) may be eligible to compete in a competition under the jurisdiction of the USSA, FIS or USOC which is scheduled to occur more than fifteen (15) days from the date the CEO or designee receives the allegations, or (ii) may be subject to sanctions including suspension from more than one such competition in which that member is objectively qualified to participate, the USSA shall comply with the following procedures:

(a) The CEO or his designee shall immediately cause the USSA staff to refer any such allegations referenced in Paragraph 1 of this Section D and any documents or materials relevant to those allegations to the USSA Judicial Committee.

(b) The USSA Judicial Committee may consider the matter or may refer it to a lower body within the USSA for disposition. In either case, one

member of the appropriate Judicial Committee shall prepare and transmit to the USSA CEO and the member written notice of proposed disciplinary proceedings via overnight delivery service or other similar, verifiable delivery method which notice shall include the following:

(i) identity of the member at issue;

(ii) citation of any rules, laws, codes of conduct, policies or provisions of any agreement between the member and the USSA which the member is alleged to have violated;

(iii) factual basis for such allegation;

(iv) the maximum potential sanction; and

(v) proposed time, date and place of the hearing (which shall be scheduled to begin at least seven (7) days before any affected competition, but no more than thirty (30) days after the date of the notice). The time, date and place of the hearing may be subsequently modified by the CEO or his/her designee if necessary to accommodate the schedules of parties, witnesses and other participants, provided however, that the hearing shall not be moved or rescheduled if doing so would prevent participation by the member at issue or prevent the hearing from being concluded at least forty-eight (48) hours before any affected competition.

(c) The designated member of the appropriate Judicial Committee shall conduct such investigation as he/she deems necessary and shall prepare a written report of findings and recommendations, which shall include a short and plain statement of the operative facts, set forth in numbered sentences or paragraphs, which would form the basis for any disciplinary action. This report shall be transmitted to the appropriate Judicial Committee and the member no less than forty-eight (48) hours prior to the start of the hearing.

(d) At any disciplinary hearing, the designated member of the appropriate Judicial Committee shall be responsible for presenting all evidence of wrongdoing against the member to the balance of the appropriate Judicial Committee. The designated member shall have voice but no vote at the hearing.

(e) The appropriate Judicial Committee shall conduct a hearing at the appointed time and place in which the participants shall have the rights set forth in Section A, paragraph 5 of this Article. The appropriate Judicial Committee may suspend or revoke a member's right to participate in protected competition only if it finds by a unanimous vote (if the panel is composed of three members) or a majority vote (if the panel is composed of

five or more) that a preponderance of the evidence shows the member has, in fact, engaged in conduct which violated applicable laws while representing the USSA or in connection with his/her participation in USSA activities, or has violated USSA codes of conduct, policies or agreements with the USSA.

(f) At least twenty-four (24) hours before any affected competition, but in no event more than fifteen (15) days after the hearing, the appropriate Judicial Committee shall issue a written decision dismissing the allegations against the member, or imposing such disciplinary action as the Panel finds necessary or appropriate.

(g) The foregoing procedures need not be followed, and the appropriate Judicial Committee may summarily impose sanctions including suspension or revocation of the member's right to compete if the member at issue waives his/her right to such procedures in writing, which shall be deemed to be an admission of the allegations.

3. Emergency Suspension Procedures. If the CEO or his/her designee determines that the member who is the subject of any allegations contemplated by Paragraph 1 of this Section D above may be eligible to compete in a competition under the jurisdiction of the USSA, FIS or USOC which is scheduled to occur within fifteen (15) days, the CEO or his/her designee shall comply with the following procedures:

(a) The allegations at issue shall immediately be transmitted to all available members of the USSA Judicial Committee. Any member of the USSA Judicial Committee who receives such allegations, and on the basis thereof, believes that the clear and convincing evidence demonstrates that emergency suspension is necessary or appropriate, may cause the USSA staff to provide oral and, if possible, written notice of that decision and proposed action, and shall specifically identify the competition from which the member is proposed to be excluded. The decision must be based on clear and well-documented evidence that the member has violated federal, state or local laws, codes of conduct or policies approved by the USSA.

(b) The proposed action shall not deprive the member of the right to participate in more than one competition.

(c) The member shall have the right to seek review of the suspension before it is carried out by providing to the CEO or his/her designee oral, and if possible, written notice of his/her intent to appeal within twelve (12) hours of notice of a suspension is received. Absent such notice, the proposed suspension shall be carried out. If the member notifies the CEO of his/her intention to appeal, the CEO shall immediately refer the matter to the USSA Judicial Committee for disposition.

(d) If review is demanded by the member, the suspension must be approved by a majority of those USSA Judicial Committee members who, through the best efforts of the USSA, can be contacted prior to the competition and who have a reasonable opportunity to hear both the member and any responsible USSA representative present and address the charges, personally or via telephone or fax.

(e) Judicial Committee members may approve the suspension only if the evidence demonstrates that it is the result of clear and well-documented allegations that the member has violated any code of conduct or policy approved by the USSA or any applicable federal, state or local law. In addition, if the Judicial Committee determines that further action is appropriate, it shall initiate long-term disciplinary proceedings in accordance with Paragraph 1 of this Section.

(f) Notwithstanding anything herein to the contrary in this Section 3, or any of its subparagraphs, if the urgency of the request for review requires a decision before the entire Judicial Committee can be gathered, then the decision of those Judicial Committee members who are able to participate in the hearing shall be final, and shall not be subject to attack on the basis that fewer than three panel members participated.

E. Competition Jury Appeals. Any member aggrieved by the decision of any competition jury shall have the right to appeal such decision in accordance with the competition jury appeal policies and procedures established and adopted by the relevant Sport Committee and approved by the Board, which procedures shall comport with general principles of fairness, efficiency, due process and FIS regulations where applicable.

F. USOC Review and Arbitration. Any member who alleges that he/she has been denied the right to compete in any protected competition as defined in Article I, Section 1.3(P) of the USOC Bylaws shall have the right to petition the USOC and pursue all remedies available under the USOC Bylaws, including arbitration.

(Please also refer to the full text of the USSA bylaws.)

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