



**DISCIPLINARY PROCEEDINGS AND GRIEVANCE POLICY
EFFECTIVE DATE: APRIL 9th, 2022**

1.1 Designation of Complaints.

The following kinds of grievances may be filed by USA Archery (“USAA”) or with USAA under Article XV of the USAA Bylaws (a “Complaint”):

- (a) Administrative. An “Administrative Complaint” is one pertaining to any matter within the cognizance of USAA, including, but not limited to, any alleged violation of or grievance concerning: (i) any of USAA’s rules, regulations, or policies; or (ii) any provision of USAA Bylaws; or (iii) noncompliance of United States Olympic & Paralympic Committee (“USOPC”) Bylaws or the Ted Stevens Olympic and Amateur Sports Act (the “Sports Act”).
- (b) Right to Compete. A “Right to Compete Complaint” is one pertaining to any alleged denial, or alleged threat to deny, any member, who is an athlete, coach, trainer, manager, administrator or other official, the opportunity to compete or participate in a competition protected by the provisions of the Sports Act or the USOPC Bylaws.

Safe Sport Policy violations will be handled pursuant to Article XVI of the USAA Bylaws.

1.2 Filing a Complaint.

Any current or former member, or USAA (a "Complainant" or “you”) who believes themselves/itself to be aggrieved by any action of USAA or by one of its members, may file a Complaint with USAA. If the Complainant is a minor, the Complaint may be initiated by such minor’s parent or legal guardian. To be considered for resolution through these procedures, if you are the Complainant you must:

- (a) Submit your complaint in writing to the: (i) Chief Executive Office and (ii) Chair of the Board of Justice at complaints@usarchery.org;
- (b) Include your full name and identifying membership information;

(c) Sign the Complaint (or have a parent or legal guardian sign the Complaint if you are under eighteen (18) years of age); and

(d) Include a short and concise statement of the facts giving rise to the Complaint, including the reason for the complaint/action at issue, the USAA Bylaws, rules, regulations or policies which are alleged to have been violated by the action, the parties involved in the action, the harm to you as a result of such action, and the relief sought. You may attach supporting evidence and/or documentation to support your allegation.

A Complaint that is not filed in accordance with this Section shall render the filing void.

1.3 Filing Fee.

Except in the cases of an expedited procedure, you must pay a filing fee of *\$250 if you are an individual and \$500 if you are an organization. *A Complainant may request a waiver of the filing fee by emailing the Board of Justice at complaints@usarchery.org. There are no filing fees for complaints filed by USAA or ANY Safe Sport Complaints.

1.4 Time Bar.

Unless the Complaint is filed by USAA or involves allegations which are USAA Safe Sport Policy and/or U.S. Center for SafeSport Code (USCSS) violations, you must file a Complaint within the following time frames:

- (a) Administrative Grievance – sixty (60) days of the occurrence of the alleged violation or grievance, except as provided below.
- (b) Right to Compete – six (6) months of the denial or threat to deny.
- (c) Complaints alleging misconduct within USAA’s Safe Sport Policy (except for those matters subject to the jurisdiction of USCSS):
 - i. Five (5) years of the occurrence of the alleged violation, incident, or grievance. In the case of a person who was a minor at the time of the occurrence of the alleged violation, incident or grievance, the complaint must be filed no later than five (5) years following the person’s eighteenth (18th) birthday.
 - ii. However, grievances alleging sexual misconduct as defined in USAA’s Safe Sport Policy or the USCSS Code are not subject to any statute of limitations.

1.5 Processing the Complaint.

(a) USAA shall send to the Complainant a notice acknowledging the receipt of the Complaint (the “Notice to Complainant”). The Notice to Complainant shall include a copy of these procedures.

(b) USAA shall send to any individual and organization whose conduct is the subject of the Complaint (a “Respondent”) a notice of the filing of the Complaint and a copy of the Complaint (the “Notice to Respondent”) within a reasonable time after receipt by the Chair not to exceed

fourteen (14) business days, without good reason. No Notice to Respondent need be sent when the only Respondent is USAA as it will have already received a copy pursuant to these procedures. The Notice to Respondent shall include: (i) An invitation to respond in writing to the Complaint (which will be shared with the Complainant) to include reasons why the matter should not be taken on by USAA, or, a reasonable time for Respondent to prepare a defense; and (ii) A copy of these procedures.

(c) USAA will determine: (i) whether the Complaint complies with the requirements specified in Sections 1.2 and 1.3; (ii) whether the Complaint is time barred pursuant to Section 1.4; (iii) whether the Complainant has standing to file the Complaint; or (iv) whether USAA has jurisdiction over the matter that is the subject of the Complaint. If it is determined that the Complaint does not satisfy the criteria specified herein, USAA shall so advise the Complainant, and the Complaint shall be dismissed, and no further processing of the Complaint shall be required pursuant to this Policy.

(d) If the Complaint is not dismissed under Subsection (c), above, the USAA CEO shall cause an investigation into matters raised in the Complaint to be conducted. The CEO, or their designee, shall serve as the primary investigator; provided, however, that if it is determined appropriate by the CEO under the circumstances that an independent investigator external to USAA be appointed, then the CEO, in consultation with the Chair of the Board of Justice, will appoint such an investigator. Further, in the event the CEO is determined to be identified within the Complaint as being subject to matters raised in the Complaint, then an independent investigator external to USAA shall be appointed by the Chair of the Board of Justice. The investigator shall prepare a written summary of the investigation. If requested by the Chair of the Board of Justice, the investigator may also provide a recommendation as to the appropriate disposition of the Complaint.

(e) If, based on the investigation, the CEO or their designee determines that there is not probable cause (i.e., no fair basis or probability) to believe that the Complaint has merit or that the underlying facts and circumstances give rise to an issue that is appropriate for resolution under this Policy, the CEO, in consultation with the Chair of the Board of Justice, may administratively dismiss the Complaint and no further processing of the Complaint shall be required pursuant to this Policy.

(f) If the Complaint is not dismissed under Subsection (e), above, the CEO or their designee, in consultation with the Chair of the Board of Justice, may attempt to informally mediate and resolve the dispute that is the subject of the Complaint to the satisfaction of the parties. If such mediation is successful, the agreed upon resolution will be recorded with USAA in a form which included written acknowledgement by the parties of that resolution.

(g) If the Complaint is not dismissed under Subsection (e), above, and is not resolved under Subsection (f), above, the Chair of the Board of Justice will then appoint at least three (3) disinterested and impartial individuals to serve as the hearing panel that will hear the matter (the "Hearing Panel"). These appointments shall be subject to the following:

- (1) The Chair of the Board of Justice may appoint themselves or any other member of the Board of Justice to the Hearing Panel.
- (2) The appointment of the Hearing Panel will include the designation of a chair.
- (3) The Hearing Panel shall have at least thirty-three and one-third percent (33.33%) athlete representation. All athlete members of the Hearing Panel must meet the standards specified for an athlete representative to a board of directors of a National Governing Body or a "Designated Committee," as that term is defined in the bylaws of the USOPC.
- (4) The Chair of the Board of Justice is responsible for confirming the availability of each appointee to serve on the Hearing Panel.
- (5) The Chair of the Board of Justice shall disclose the identity of the Hearing Panel members to the Complainant and Respondent.
- (6) All Hearing Panel members should immediately disclose any conflict that they have (and that may arise during the process).
- (7) In the event any party or Hearing Panel member raises a conflict of interest, the chair of the Ethics Committee will consider the issue and require replacement of the hearing panel member if necessary.

1.6 Decisions Made at Competitions.

If the incident which is the subject of the Complaint occurs at an event sanctioned by USAA, and the subject matter of the Complaint could have been the subject of protest procedures described in any applicable governing rules and policies, then those protest procedures must be exhausted prior to the filing of a Complaint. The failure to exhaust those protest procedures precludes the processing of a Complaint pursuant to this Policy. Furthermore, the final decision of an official during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the official) shall not be reviewable through these procedures for, or the subject of, an Administrative Complaint or a Right to Compete Complaint unless the decision is: (i) outside the authority of the official to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the official. For purposes of this Section, the term "official" shall include any judge or other individual with discretion to make field of play decisions.

1.7 Complaints Involving an Opportunity to Participate in a Competition.

With respect to a Right to Compete Complaint, the Complainant shall include with the Complaint a list of all other individuals, together with their contact information, that may be

adversely affected by a decision rendered upon the Complaint. The Chair of the Board of Justice shall determine which additional individuals should receive notice of the Complaint and shall provide appropriate notice to these individuals. Any individual so notified then shall have the right to participate in the proceeding as a party. If an individual is notified of the Complaint, then that individual shall be bound by the decision of the Hearing Panel even though the individual chose not to participate as a party.

1.8 Conduct of the Hearing.

(a) The chair of the Hearing Panel will select the time and place for the hearing so as to have the hearing occur at the earliest convenient date for all parties not to exceed 90 days after the last filing with USAA, without just cause for delay. The chair may choose to conduct the hearing by conference call or other similar electronic means.

(b) The chair will communicate the information about the hearing schedule along with the identity of the other members of the Hearing Panel to the parties.

(c) Not less than fifteen (15) days prior to the hearing, the chair of the Hearing Panel shall cause to be sent to the parties a written copy of the procedures to be followed at the hearing. Those procedures shall include those set forth on Exhibit A, attached hereto.

(d) Decisions about the merits of the Complaint and the form of any sanction shall be made by majority vote of the Hearing Panel. The Hearing Panel shall report its decision on the merits in the form of written findings of fact and conclusions. The decision shall be sent to the parties, including a notice for the opportunity to appeal as set forth in Section 1.14. Subject only to any right to arbitration as is specified in Section 1.14, the decision of the Hearing Panel shall be final and binding upon all parties.

1.9 Discipline.

The Hearing Panel may impose discipline, including but not limited to the following with regard to Complaints:

(a) Reprimand. A communication, either public or private, of USAA's decision to impose a reprimand regarding the Complaint. Any reprimand may be combined with probation or suspension.

(b) Probation. A ruling that, for a specified time, the subject's continued participation in USAA's activities, sanctioned competitions, etc. are subject to some additional requirements. The Hearing Panel may order that notice of probation be given to appropriate authorities, such as event directors.

(c) Conditional Membership. A ruling that, for a specified time, the Respondent's membership is conditioned upon the satisfaction of certain conditions. These conditions shall be described

specifically, as shall the consequences of failing to meet them. The Hearing Panel may order that notice of certain conditions be given to appropriate authorities, such as event directors.

(d) **Suspension or Expulsion.** A ruling that (i) either permanently or for a specified period of time or subject to certain conditions, the Respondent is prohibited from participating in sanctioned competitions or other of USAA's activities, or (ii) in the case where the subject has applied for membership, membership is not allowed, and the Respondent is placed on the permanently ineligible list. The Hearing Panel may limit the effect of a suspension to certain activities or competitions, and may establish conditions that, if satisfied, will result in the lifting of a suspension. The Hearing Panel may order that notice of suspension, expulsion, or permanent ineligibility be given to appropriate authorities, such as event directors.

(e) **Other.** The Hearing Panel may order such other relief as it deems appropriate (e.g., letter of apology or restitution, including, for example, the payment for damaging equipment or the recovery of any financial benefit improperly derived by a Respondent or additional trainings).

1.10 Expedited Procedure.

With respect to a Right to Compete Complaint ONLY, every effort will be made to expedite the proceedings, including, but not limited to, modifications made by the chair of the Hearing Panel to the procedures set forth above in order to resolve the Complaint prior to the start of the event.

1.11 Hearing Panel Administration.

The Board of Justice shall be responsible to ensure that all Complaints proceeding to a Hearing Panel are heard in a timely, fair, and impartial manner and may promulgate procedures in addition to those set forth in USAA's Bylaws and Exhibit A for the effective administration of Complaints filed with USAA.

1.12 General.

All notices, reports and decisions under this Policy shall be made in writing and delivered in electronic mail creating a record of receipt. Participation in these procedures shall be deemed to constitute agreement to be bound by the provisions of this Policy. If, in the course of a hearing conducted pursuant to this Policy, the Hearing Panel discovers that a Respondent has engaged in a USAA Safe Sport Policy and/or U.S. Center for SafeSport Code violation, those issues will be resolved as set forth in Article XVI of the USAA Bylaws.

1.13 Publication of Permanently Ineligible Members.

Where a final decision has been rendered in a matter where the discipline imposed is permanent expulsion, or permanent ineligibility for membership USAA shall publish the following information in one or more of its publications and on USAA's website:

(a) the name of the individual;

(b) the state of residence of the individual where the violation occurred and/or where the individual resides at the time the discipline is imposed; and

(c) with respect to decisions rendered after the adoption of this Section 1.13, which of USAA's Bylaws, rules, regulations, or policies were violated.

1.14 Arbitration.

USAA agrees to submit to binding arbitration conducted under the commercial rules of the American Arbitration Association, any controversy involving: (i) a Right to Compete Complaint or (ii) its recognition as a National Governing Body, as is provided in the Sports Act.

1.15 Anti-Retaliation.

USAA prohibits retaliation against anyone who reports misconduct or provides information about misconduct as more fully detailed in USAA's Whistleblower Policy located at www.usarchery.org. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the complaint processes when the action is reasonably related to the report or engagement with the process. Retaliation may be present even where there is a finding that no violation occurred.

1.16 Athlete Ombuds Office.

The Office of the Athlete Ombuds and its staff (the Athlete Ombuds) offers independent, confidential advice to 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. The Athlete Ombuds' focus is to serve athletes who represent the U.S. in international competition. The Athlete Ombuds operates on the core principles of confidentiality and privacy, independence, and impartiality.

Duties of the Athlete Ombuds

1. Provide independent, confidential advice and assistance at no cost to athletes.
2. Assist in the resolution of athlete concerns and disputes through fact-finding, facilitated communication, and mediation.
3. Advocate for fair, transparent, timely and equitably administered policies and processes within the U.S. Olympic and Paralympic Committee (USOPC) and its member organizations.

Contact:

Phone: [\(719\) 866-5000](tel:7198665000) or [888-ATHLETE](tel:888-ATHLETE)

Email: ombudsman@usathlete.org

[To review the Athlete Ombuds Confidentiality and Privacy Policy please visit:
www.teamusa.org/athlete-ombudsman.](http://www.teamusa.org/athlete-ombudsman)

Exhibit A
Hearing Rules

1. The hearing shall be closed to the public except for the Hearing Panel, the parties and their counsel (if applicable).
2. Except in the case of expedited procedures, the Hearing Panel shall rule on all motions and other matters raised in the proceeding.
3. The Hearing Panel shall set such timelines and other rules, not inconsistent with these rules, regarding the proceeding, witness lists, and the conduct of the hearing as it deems necessary.
4. All parties will receive notice of the identity of any witnesses that will appear at the hearing and a distribution of evidence such that the evidence may be inspected within a reasonable time to prepare one's position in the matter.
5. Each party shall have the right to appear personally or through a legal representative. All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceeding at any time.
6. Conformity to legal rules of evidence will not be necessary.
7. The hearing shall be informal, except that testimony shall be taken under oath.
8. Any party may have a record made of the hearing. A court reporter may be present at the hearing at the request of a party. The court reporter shall be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript shall be paid for by the party requesting the transcript.
9. Order of Hearing:
 - a. Disposition of any Motions

The respondent may make a motion to dismiss and/or the Hearing Panel may on its own dismiss the matter on the grounds including, but not limited to jurisdiction, statute of limitations, failure to state a case and/or compliance with USAA's Bylaws. If the complaint is not dismissed, the Hearing Panel shall hold a hearing on the complaint.
 - b. Opening Statements (time limit established by Chair of Hearing Panel):
 - Complainant
 - Respondent

c. Presentation of Evidence:

Complainant's Case:

- Presentation of evidence, accounts and witness testimony
- Cross examination by Respondent
- Questions by Hearing Panel

Respondent's Case:

- Presentation of evidence, accounts and witness testimony
- Cross examination by Complainant
- Questions by Hearing Panel

Closing Statements (time limit established by Chair of Hearing Panel):

- Complainant
- Respondent
- Complainant's rebuttal

d. Evidence:

Witness Testimony

- i. Complainant and Respondent will exchange witness lists in advance of the hearing, and their respective representatives or counsel, will have the right to call and/or question witnesses.
- ii. The Hearing Panel will also have the right to question witnesses.
- iii. The Hearing Panel may limit the number of witnesses if to do so is believed necessary to maintain an orderly and timely hearing yet affords a fair opportunity of the parties to be heard.
- iv. Documentary evidence will be exchanged by the parties in advance of the hearing, if and to the extent practicable, with copies of all documents provided to the Hearing Panel.
- v. The Hearing Panel shall set due dates for the exchange of such information. The Hearing Panel is authorized to resolve any dispute concerning the exchange of information.
- vi. No party and no one acting on behalf of any party shall communicate ex parte with a Hearing Panel member.

e. Burden of Proof:

Burden of proof rests with the Complainant and the standard to be used by the Hearing Panel is preponderance of the evidence.