

USA Boccia Complaint Procedures

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**USA BOCCIA
COMPLAINT PROCEDURES
February, 2021**

ARTICLE I. ADMINISTRATION OF COMPLAINTS

1. Types of Complaints.

USA Boccia has the authority to hear and render decisions on the following types of complaints:

- a. Administrative Grievances. Any alleged violation of or grievance concerning: (i) any USA Boccia rule or regulation, (ii) any USA Boccia program or service, (iii) any provision of USA Boccia's Bylaws, or (iv) any provision of the USOPC Bylaws or Ted Stevens Olympic and Amateur Sports Act ("Sports Act") relating to USA Boccia's membership obligations and recognition as a High Performance Management Organization or a Paralympic Sport Organization.
- b. Opportunity to Participate Complaints. Any alleged denial, or alleged threat of denial, of an athlete, coach, trainer, manager, administrator or official's opportunity to participate in competition or activity authorized or organized by USA Boccia.
- c. Background Check Review. Any self-disclosure or red-light finding of a criminal disposition that was conducted pursuant to USA Boccia's Background Check Policy.
- d. Disciplinary Actions. Any alleged violation of USA Boccia's Code of Conduct, Code of Ethics, or any other rule or regulation relating to conduct, other than alleged violations of the U.S. Center for SafeSport (the "Center").
- e. SafeSport Code Allegations. Any alleged violation of the U.S. Center for SafeSport's Code over which the Center declines jurisdiction.

2. Judicial Committee.

The Judicial Committee will generally administer and oversee all administrative grievances, opportunity to participate complaints, disciplinary actions, verified Ethical Violation complaints, Conflict of Interest complaints and SafeSport Code allegations over which the Center does not exercise jurisdiction. The Judicial Committee will be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. Respondents will be afforded basic due process rights as described in the procedures below. The Judicial Committee may promulgate procedures in addition to those set forth in these Complaint Procedures for the effective administration of complaints filed with or referred to USA Boccia.

The Judicial Committee will be responsible for determining if a complaint filed with the Judicial Committee:

- (1) was properly filed;
- (2) satisfies the minimum requirements for that type of complaint; and
- (3) should be redesignated as a different type of complaint;

If the Judicial Committee determines that a complaint was not filed properly or failed to satisfy the minimum requirements for such complaints, then the Judicial Committee will provide the parties the opportunity to remedy the deficiencies and re-file. When making this initial determination of the propriety of filing and the adequacy of the complaint, the Judicial Committee may not make any decisions or judgments based on the merits of the complaint, nor may the Judicial Committee make any determination that the complaint was frivolous. If the Judicial Committee determines that a complaint was filed using the improper designation (e.g., an opportunity to participate complaint was filed as an administrative grievance), then the Judicial Committee will notify the parties of the misclassification and treat it according to the proper designation. If any deficiencies in the filing are identified as a result of the re-designation, then the Judicial Committee will provide the parties the opportunity to remedy the deficiencies and re-file.

ARTICLE II. GENERAL HEARING PROCEDURES

1. Complaint Hearing Panel Appointment.

Upon the filing of a complaint, the chair of the Judicial Committee, after consultation with the other Committee members, will appoint a Complaint Hearing Panel consisting of three (3) unbiased individuals from the Judicial Committee to hear the complaint. If the chair of the Judicial Committee cannot fill all 3 members of the Complaint Hearing Panel from the Judicial Committee, the chair will fill the open position(s) with other unbiased members of USA Boccia or other unbiased individuals identified by the chair of the Judicial Committee. The chair of the Judicial Committee will also appoint a chair of the Complaint Hearing Panel from the three individuals selected. The chair of the Judicial Committee may not serve on the Complaint Hearing Panel.

At least one (1) member of the Complaint Hearing Panel will be an Elite Athlete. An “Elite Athlete” must have:

- (1) within the ten (10) years preceding election, represented the United States in the Olympic, Pan American, Paralympic, or Parapan American Games, World Championships, event designated as an Operation Gold event, or, in a team sport, an international championship recognized by the International Paralympic Committee (IPC) or Boccia International Sport Federation (BISFed); or
- (2) within the twenty-four (24) months preceding appointment demonstrated that they are actively engaged in amateur athletic competition by finishing in the top half of USA Boccia’s national championships or, in a team sport, have been a member of USA Boccia’s national team. Other members of the panel need not be members of USA Boccia or involved in the sport of boccia.

The composition of the hearing panel must be disclosed to the complainant and respondent prior to a hearing. The complaining party (complainant) or responding party (respondent) may object to the appointment of any member of the Complaint Hearing Panel on the grounds of bias, conflict of interest, or such other reasonable grounds on which the party believes the panel member should be disqualified. The objection, along with relevant information, will be provided to the Ethics Committee to review any potential grounds for disqualification. The Ethics Committee will timely render a determination of whether the appointed panel member should be disqualified. If a panel member is disqualified, a replacement panel member will be appointed promptly.

2. Notice of the Complaint.

Upon the filing of a written complaint, the chair of the Judicial Committee will provide acknowledgement of receipt of the complaint to the complainant. USA Boccia's Executive Director will be notified of the date the complaint was received, the type of complaint, the complainant's category of membership, and the respondent's category of membership.

Upon determining that the complaint was properly filed and satisfied the minimum requirements of a complaint of the type asserted, the chair of the Judicial Committee will communicate with the respondent within fourteen business days of receipt of the complaint, unless there is just cause for delay. The respondent will receive a written notice that includes an explanation of the allegations or charges made against the respondent, the procedure for the respondent's opportunity to provide a response, the right to have a representative present and provide assistance throughout the proceedings, any supporting documentation, and the consequences or remedy if the respondent is found to have violated the code.

The responding party will have an opportunity to submit an answer in response to the allegations. If the respondent provides an answer to the allegations, the answer must be delivered to the complainant.

3. Right to a Representative

Any party to a proceeding under these Complaint Procedures has the right to have a representative present during such proceedings at his or her own expense. The person providing assistance or representing the complainant or respondent is strictly held to the principle of confidentiality and agrees not to divulge any information to anyone. Please refer to the USA Boccia Confidentiality Statement listed in the Addendum of this document.

4. Conduct of the Proceedings.

The chair of the Judicial Committee, upon receipt of a complaint, will communicate with the complainant and respondent indicating receipt of the complaint and will also provide a list of suggested documents each party can submit prior to the Complaint Hearing. The chair of the Judicial Committee does not investigate the complaint but acts as the facilitator so that the involved parties are informed of their rights during the process and their responsibilities during

the Complaint Hearing. The chair of the Judicial Committee will hold a Preliminary Hearing within five (5) business days of receiving the complaint. The purpose of the Preliminary Hearing will be to bring all parties together to verify the information on the suggested document list, inform the parties of potential sanctions, to determine if informal resolution, mediation, or restorative justice is an option, and to determine if all parties are ready to proceed. If all parties are ready to move to the Complaint Hearing phase, the chair of the Judicial Committee will set a date for the hearing that will occur within a short period of time. If there is any party that is not prepared to proceed with the Complaint Hearing, the chair of the Judicial Committee will determine a date in the future to hold the Complaint Hearing. The hearing will occur less than thirty (30) days from receipt of the complaint.

The Complaint Hearing Panel will rule on all motions and other matters raised in the proceeding.

A respondent may file a motion to dismiss a complaint against him or her if:

- a. the complaint was filed after the 180 day statute of limitations for such complaints has expired, (See Article II, Section 6, Limitations on Period for Filing); the exception is SafeSport Code violations which have no statute of limitations or
- b. the complaint fails to allege any conduct that could be construed as constituting a violation of any applicable rule, policy, or procedure of USA Boccia, the SafeSport Code, or the USOPC.

If the complaint is not dismissed, the Complaint Hearing Panel will hold a hearing on the complaint. The chair of the Complaint Hearing Panel will provide to all parties a schedule for the proceeding. The chairperson will also set such other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

In advance of the hearing, the parties may exchange a list of anticipated witnesses, with a brief description of their expected testimony, and any exhibits that the parties anticipate using at the hearing. Witnesses for either the complainant or respondent may request his/her identity remain anonymous. Witnesses who choose to remain anonymous may submit a testimonial statement. However, his/her identity will be disclosed to the party for whom they are a witness and to the chair of the Judicial Committee. If at any time the complete witness statement is exchanged, all identifying information (such as name or position) will be redacted.

The Complaint Hearing will be informal, except that testimony will be taken under oath. When the hearing cannot be conducted in person, the hearing may be conducted by teleconference or videoconference, if necessary or convenient to the parties. Each party will have the right to appear personally or through a representative.

The Complaint Hearing Panel will be required to determine whether, based on the evidence presented including witness testimony, the complainant seeking relief has proven its entitlement to relief by a preponderance of the evidence.

Any party may have a record made of the Complaint Hearing. A court reporter may be present at the hearing at the request of a party. The court reporter will be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript will be paid for by the party requesting the transcript.

5. Written Decisions.

A decision will be determined by a majority of the Complaint Hearing Panel. The Complaint Hearing Panel will make every effort to reach a decision and complete a report within fifteen (15) business days of the close of the hearing. (See Article III, Section 4, Administrative Grievances Appeals).

6. Limitations Period for Filing.

For all administrative grievances, opportunity to participate complaints, and disciplinary actions, complaints must be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

There will be no statute of limitations for the assertion of any violation of the SafeSport Code.

7. Informal Resolution/Mediation.

For all administrative grievances, opportunity to participate complaints, and disciplinary actions, the parties may attempt to informally resolve the dispute. For administrative grievances, the parties may attempt to mediate their differences using a third party in advance of the hearing. The mediator can be from the Judicial Committee or a third party agreeable to the complainant and the respondent.

If either party is interested in mediation, the party must notify the Judicial Committee at judicialcommittee@usaboccia.org of their interest in this resolution option at least seven business days before the hearing. A member of the Judicial Committee will follow up with the party who made the request to confirm receipt of the request and set up an intake meeting. A member of the Judicial Committee will contact the other party to determine if there is mutual interest in mediation as a resolution. If both parties agree that they are interested in mediation, the Judicial Committee will consider the facts of the case and determine if mediation would be an appropriate resolution. If the Judicial Committee determines that mediation is an appropriate resolution, a committee member will follow up with the complainant and respondent to set up a mediation session. The session will be mediated by someone on the Judicial Committee or by a third-party mediator agreed upon by both parties.

8. Due Process.

The parties will be afforded basic due process rights, including, but not limited to the following:

- a. Each party will have the right to appear personally or through a representative.
- b. Respondents will receive written notice of any alleged violation or complaint against them, along with an explanation of the potential consequences.
- c. Respondents will be given a reasonable time before a hearing in which to prepare a defense. The chair of the Judicial Committee will ask during the Preliminary Hearing if all parties are prepared to proceed and if so the chair of the Judicial Committee will make the determination to move forward. If either party has an objection, the chair of the Judicial Committee will set a future date allowing for all parties to prepare for the hearing. The future Complaint Hearing date will not exceed thirty (30) days from the date the complaint was filed.
- d. The Complaint Hearing Panel will hold the hearing in a prompt and timely manner. The Complaint Hearing Panel will use best efforts to hold the hearing within thirty (30) days of receipt of the complaint, and to issue its written decision within fifteen (15) days thereafter.
- e. All parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument.
- f. Members of the Complaint Hearing Panel will have the right to question witnesses or the parties to the proceeding at any time.
- g. All parties will receive a written decision from the Complaint Hearing Panel, which will include notice of the applicable appeal procedures. (See Article III, Section 4, Administrative Grievances, Appeals).

9. Expedited Procedures.

Upon the request of a party, and provided that it is necessary to expedite the proceeding in order to resolve a matter relating to a competition that is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties, the Judicial Committee is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the Complaint Hearing Panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

Expedited Procedures may apply to Administrative Grievances, Opportunity to Participate Complaints and complaints the Judicial Committee determines would likely impact an ongoing or upcoming competition.

10. Interim Measures

In the case of Disciplinary Actions and SafeSport Code Allegations, prior to the matter being heard on the merits, it may be necessary to implement interim measures against the respondent in the following circumstances:

- (i) to ensure the safety or well-being of others, or
- (ii) where an allegation is sufficiently serious.

Where either such circumstance exists, USA Boccia Board of Directors may immediately implement interim measures to protect others, provided the respondent is afforded an opportunity for a provisional hearing within a reasonable amount time, including allowing to request expedited procedures if it affects an individual's opportunity to participate. The provisional hearing is not a full hearing on the merits. The sole issue before the Complaint Hearing Panel is whether there is probable cause to impose an interim measure. Interim measures may include, but are not limited to, altering training schedules, providing chaperones, limiting contact, removal from the venue and suspensions. The respondent will still be afforded with a hearing on the merits in a timely manner thereafter.

ARTICLE III ADMINISTRATIVE GRIEVANCES

Administrative Grievances. Any alleged violation of or grievance concerning:

- (i) any USA Boccia rule or regulation,
- (ii) any USA Boccia program or service,
- (iii) any provision of USA Boccia's Bylaws, or
- (iv) any provision of the USOPC Bylaws or Ted Stevens Olympic and Amateur Sports Act ("Sports Act") relating to USA Boccia's membership obligations and recognition as a High Performance Management Organization or a Paralympic Sport Organization.

1. Jurisdiction.

Any member of USA Boccia may file an administrative grievance and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

Section 2. Filing Requirements

- a. **Manner of Filing.** A complainant will file an administrative grievance with the Judicial Committee Chair or co-chair and the USA Boccia Executive Director if an administrative complaint arises. The email address of judicialcommittee@usaboccia.org and usaboccia.president@gmail.com should be used to file all complaints. The email address will be displayed prominently on the USA Boccia website, on social media and at sanctioned events. In addition, an online complaint form, as well as all forms required for the Complaint Hearing are available at usaboccia.org.
- b. **Requirements for Complaint.** It is preferable for the complaint to be presented in a clear and organized manner: (i) provide information about the complainant's relationship with USA Boccia (ii) describe the alleged violation or grievance and the date(s) it occurred; (iii) identify the rule, regulation, policy, Bylaw provision, or other USA Boccia, and if needed, attach supporting evidence and documentation to support the allegation; requirement alleged to have been violated; (iv) list the identity of any parties claimed to have been aggrieved by the violation; (v) list the identity of any parties claimed to have been involved in or to have caused the alleged violation or grievance; and (vi) describe the remedy requested; The complainant will sign the complaint and provide his or her current contact information in the signature block, including a preferred email address. The online Complaint Form can be found at usaboccia.org. Please refer to the USA Boccia Confidentiality Statement listed in the Addendum of this document.

- c. Assistance Filing a Complaint. A complainant or respondent may choose to have an assistant to complete or respond to the complaint process. The complainant or respondent is allowed to obtain this assistance from a party of their choice. This person is referred to as a Representative. The complainant must sign or affix their personal mark on the complaint. All correspondence regarding the complaint, including the hearing decision, will be provided to the complainant or respondent, not the Representative. Please refer to the USA Boccia Confidentiality Statement listed in the Addendum of this document.
- d. Filing Fee. No filing fee will be required unless the complainant requests hard copy mail and or correspondence. The complainant will then be responsible for all mailing cost not to exceed \$25. The filing fee may be waived by the Judicial Committee for individual complainants upon a showing of hardship.

3. Hearing.

The hearing will be conducted in accordance with Article II, General Hearing Procedures of these Complaint Procedures.

4. Appeal

If the administrative grievance alleges USA Boccia's non-compliance with the Sports Act or the USOPC bylaws, then, after the Complaint Hearing Panel has issued its final decision on the administrative grievance and if the complainant is not satisfied with the decision, the complainant may file a complaint with the USOPC under Section 10 of the USOPC Bylaws.

For any other administrative grievance, a party not satisfied with the decision may appeal the decision to the American Arbitration Association (AAA) pursuant to the Commercial Rules of Arbitration. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter.

Any athlete may contact the USOPC Athlete Ombudsman Office for guidance and assistance in the grievance process, by phone at 888-ATHLETE or by email at ombudsman@usathlete.org.

ARTICLE IV. OPPORTUNITY TO PARTICIPATE COMPLAINTS

Any alleged denial, or alleged threat of denial, of an athlete, coach, trainer, manager, administrator or official's opportunity to participate in competition or activity authorized or organized by USA Boccia.

1. Jurisdiction.

Any athlete, coach, trainer, manager, administrator or other official of USA Boccia, may file an opportunity to participate complaint and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

2. Filing Requirements.

- a. Manner of Filing. A complainant will file an administrative grievance with the Judicial Committee Chair or co-chair and the USA Boccia Executive Director if an administrative complaint arises. The email address of judicialcommittee@usaboccia.org and usaboccia.president@gmail.com should be used to file all complaints. The email address will be displayed prominently on the USA Boccia website, social media, and at sanctioned tournaments.
- b. Requirements for Complaint. It is preferable for the complaint to be presented in clear and organized manner: (i) provide information about the complainant's relationship with USA Boccia, (ii) describe the grievance, violation, or conduct that impacts or could impact the individual's opportunity to participate, and if needed, attach supporting evidence and documentation to support the allegation; (iii) identify the rule, regulation, policy, Bylaw provision, or other USA Boccia, and if needed, attach supporting evidence and documentation to support the allegation; (iv) list the identity of the respondent and any affected parties; (v) identify the particular competition, event, or activity in which the individual's or affected parties' participation could be impacted; and (vi) describe the remedy requested. The complainant will sign the complaint and provide his or her current contact information in the signature block, including a preferred email address. The online Complaint Form can be found at usaboccia.org. Please refer to the USA Boccia Confidentiality Statement listed in the Addendum of this document.
- c. Assistance Filing a Complaint. A complainant or respondent may choose to have an assistant to complete or respond to the complaint process. The complainant or respondent is allowed to obtain this assistance from a party of their choice. This person is referred to as a Representative. The complainant must sign or affix their personal mark on the complaint. All correspondence regarding the complaint, including the hearing decision, will be provided to the complainant or respondent, not the Representative. Please refer to the USA Boccia Confidentiality Statement listed in the Addendum of this document.
- d. Filing Fee. No filing fee will be required unless the complainant requests hard copy mail and or correspondence. The complainant will then be responsible for all mailing cost not to exceed \$25. The filing fee may be waived by the Judicial Committee for individual complainants upon a showing of hardship or other good cause.

3. Hearing.

The Complaint Hearing will be conducted in accordance with Article II, General Hearing Procedures of these Complaint Procedures. In addition, all affected athletes will be treated as parties to the case and will be provided an opportunity to participate in the Complaint Hearing.

4. Appeal.

If the competition in question is a protected competition, as defined in Section 1.3 the USOPC Bylaws, and an athlete is not satisfied with a decision rendered under these Complaint Procedures, the athlete may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously thereto, an athlete may initiate arbitration with the AAA pursuant to the AAA's Commercial Arbitration Rules. The AAA's decision will be a final and binding decision. Alternatively, when the matter involves a protected competition, an athlete may proceed directly through the Section 9 process without first exhausting these internal grievance procedures.

For all other competitions, any party may appeal a decision of the Complaint Hearing Panel to the AAA pursuant to the AAA's Commercial Arbitration Rules for a final and binding decision. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter. Either party may submit the decision of the Complaint Hearing Panel to the arbitrator for the arbitrator's consideration.

Any athlete may contact the USOPC Athlete Ombudsman Office for guidance and assistance in the grievance process, by phone at 888-ATHLETE or by email at ombudsman@usathlete.org.

ARTICLE V. BACKGROUND CHECK REVIEW

1. Jurisdiction

Any individual who is subject to submit to a background check in accordance with USA Boccia Background Check Policy and receives a red-light finding, or otherwise self-discloses a criminal charge in accordance with USA Boccia Background Check Policy, has the opportunity to have a hearing before a Review Panel if USA Boccia Board of Directors proposes any action that would result in the suspension or loss of membership of the individual, or otherwise bear on their participation.

2. Preliminary Review

If during a review of information gathered during a background check, or if USA Boccia receives information (self-report or reported by others) that could be interpreted as a red-light finding, the Judicial Committee may conduct a preliminary review when necessary for individuals applying for positions or individuals who are already members of the organization to determine whether the individual has committed actions leading to a conviction of a criminal charge and should be disqualified, suspended, or removed from the organization. This

preliminary review will be conducted by the Executive Director of USA Boccia. If USA Boccia determines that an individual should be suspended or lose their membership, for any period of time, the matter will immediately proceed to the Review Panel appointed by the chair of the Judicial Committee.

- a. Individuals that are applying for positions within USA Boccia who are found to have criminal convictions noted in the information uncovered from a background investigation will immediately be disqualified for that position or admittance into the USA Boccia organization.
- b. Individuals that are currently serving in any capacity with USA Boccia and through self-disclosure or red-light finding is identified as having committed a violation of the USA Background Check Policy in regard to criminal offenses will immediately be suspended pending final determination of a criminal proceeding or the individual requests to be removed from the organization. Once a determination of non-guilt has been made in a criminal proceeding the suspension will be lifted and the individual will be allowed to resume the duties of their position if they choose to do so. If a determination of guilt is found, the Judicial Committee will convene a Review Panel to determine the status of the individual within the organization. (See Article V, Section 4, Review Panel).

3. Filing Fee

No filing fee is required to proceed in front of the Review Panel.

4. Review Panel

The Review Panel will be chosen by the chair of the Judicial Committee and will consist of unbiased individuals. The members of the Review Panel will meet to conduct the hearing within sixty (60) days after being appointed to the panel. The chair of the Judicial Committee will determine if more time is required to prepare for the hearing and, if appropriate, allow for more time. The chair of Judicial Committee will also determine whether to expedite the Review Panel hearing in order to resolve a matter relating to training or a competition that is schedule. In such cases the Review Panel may render an expedited determination.

The Review Panel will consist of the following individuals:

- USA Boccia Representative (member of the Judicial or Ethics Committee, Board Member, Executive Director)
- Legal Counsel (if necessary)
- Chair of Judicial Committee or an appointed Judicial Committee Member
- Independent Member **
- Elite Athlete Representative

*Review panel must have an odd number of members

** Article 7.7, Independence, of the USA Boccia Bylaws August 2020 states, “The independent member shall have no material relationship to USA Boccia either directly or indirectly. He or she shall have no personal interest in the outcome of the review panel”.

5. Hearing

The Review Panel will conduct a hearing and make a determination in the self-disclosure or red-light finding of an individual. The purpose of this hearing will be to determine if there is credible evidence that the person committed a crime, and should not represent USA Boccia.

The individual will be notified of a specific date and time within sixty (60) days of the appointment of the Review Panel so he or she may participate if they wish. Unless the Review Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing.

At the hearing, the individual will be allowed to present any evidence or argument that he or she wishes the Review Panel to consider. The Review Panel may require that documentary evidence be presented prior to the hearing and that the names of any witnesses be disclosed prior to the hearing. The Review Panel shall also seek any input from USA Boccia Board of Directors and outside individuals/organizations as it deems relevant.

6. Interim Measures

USA Boccia Board of Directors may impose interim measures pursuant to Article II to ensure the safety and wellbeing of others. Suspension refers to temporary removal (as from office or privileges) until the Review Panel makes a final determination. This means the individual is not allowed to participate in competition and is denied any and all interactions with the USA Boccia organization. During this period the individual, through themselves or their counsel, will communicate with the USA Boccia Executive Director or chair of the Judicial Committee.

7. Determination

A determination will be made based on a majority vote of the Review Panel within sixty (60) days of appointment. The Review Panel will make one of the following decisions upon completion of the hearing and a review of the evidence. The Review Panel, through majority vote, can exonerate the individual or revoke the individual's membership within the organization. The decision will be recorded and kept on file with USA Boccia and forwarded to U.S. Olympic and Paralympic Committee.

The Review Panel has the discretion to deny any individual from participation or membership if it finds, in good faith, that permitting an individual with a self-disclosure of a criminal charge or red-light finding to participate is inconsistent with the stated purpose of the USA Boccia Background Check Policy. (See the Addendum for a copy of the USA Boccia Background Check Policy)

In rendering its finding, the Review Panel shall consider the following when making a determination:

- The legitimate interest of USA Boccia in providing a safe environment for athletes and other individuals;
- The seriousness of the criminal offense or act;
- The time which has elapsed since the occurrence of the criminal offense or act;
- The age of the person at the time of occurrence of the criminal offense or act;
- The bearing, if any, the criminal offense or act has on the individual's ability to perform the necessary functions of their role or otherwise be a representative of the U.S. Olympic and Paralympic Movement;
- Any information produced by the individual, or produced on behalf of the individual with respect to the individual's rehabilitation and good conduct;
- Any voluntary restrictions on access proposed by the individual;
- Any recommendation or information provided by other individuals; and
- Any other information, which in the determination of the Review Panel, would bear on whether or not the individual should represent the U.S. Olympic and Paralympic Movement.

Upon the request of USA Boccia Board of Directors or the individual, and if it is necessary to expedite the proceeding in order to resolve a matter relating to training or a competition that is scheduled, the Review Panel may render an expedited determination.

Section 8. Appeal

The Review Panel will communicate its finding to the individual and to the President of the Board of USA Boccia. If the individual disagrees with the finding of the Review Panel, they may appeal the decision by filing a demand for arbitration with the American Arbitration Association (AAA) within thirty (30) days of the Review Panel's decision. A decision rendered by the AAA shall be final and binding on all parties.

During the Appeals process the individual will remain on suspension until the AAA has made its final and binding decision.

ARTICLE VI. DISCIPLINARY ACTIONS AND SAFESPORT CODE ALLEGATIONS

Section 1. Jurisdiction.

Any individual may file a report against any other member of USA Boccia for alleged violations of USA Boccia's Code of Ethics or any other rule or regulation relating to conduct or alleged violations of the SafeSport Code.

The US Center for SafeSport (the Center) has exclusive jurisdiction to hear all complaints regarding allegations of sexual misconduct and misconduct that is reasonably related to an underlying allegation of sexual misconduct, and has discretionary jurisdiction to hear complaints regarding other alleged forms of misconduct. Once a report is made to the Center pursuant to Section 2 below, and the Center asserts jurisdiction over the matter, the Judicial Committee has no further involvement in the hearing process and the individual agrees to be subject to the Center's

complaint procedures and to be bound by any decision rendered pursuant to the Center's complaint procedures.

The Center may refer reports of alleged misconduct over which it does not accept jurisdiction back to the Judicial Committee for investigation and resolution. If a report is referred back to the Judicial Committee the individuals agree to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

Section 2. Reporting.

- a. Reporting to the Center. Any USA Boccia athlete has the right to file a complaint directly with SafeSport. All reports of any alleged violation of USA Boccia's Athlete Safety Policy or the Center's rules, policies, and procedures should be reported directly to the Center in the first instance. Information on how to report can be found at <https://uscenterforsafesport.org/report-a-concern>
- b. Reporting to Law Enforcement. If an allegation involves child abuse or neglect, including any allegation of sexual abuse, the matter must be reported to the appropriate legal authorities such as local law enforcement authorities or child protective services within twenty-four (24) hours. Additionally, all mandated reporters are required to abide by applicable state statute requirements for mandated reporting of child abuse and neglect. USA Boccia Board of Directors and the Center must also be notified.
- c. Reporting to USA Boccia. Any individual may report alleged misconduct to the Judicial Committee. If a report is made to the Judicial Committee in the first instance of an alleged violation of USA Boccia's Athlete Safety Policy or the Center's rules, policies or procedures, the chair of the Judicial Committee will promptly send the report to the Center. The chair of the Judicial Committee will notify the individual making the report that the report was forwarded to the Center. If the Center refers the report back to USA Boccia, then the chair of the Judicial Committee will notify the individual making the report of such and initiate proceedings through these Complaint Procedures.
- d. Anonymous Reporting. All reports can be made anonymously except for those incidents that are reported to law enforcement agencies.
- e. Individuals may report alleged misconduct either verbally or in writing to the Judicial Committee. Individuals who verbally report misconduct should follow-up by filing an on line complaint form. The complaint form can be found on the USA Boccia website (usaboccia.org). In a report, the individual is encouraged, but not required, to provide the following information: (i) the identity of the individual or individuals alleged to have violated USA Boccia's Code of Ethics, other rule or regulation related to Conduct, or the SafeSport Code; (ii) details regarding the complained of misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; and (iii) the reporting or complaining party's contact

information, including a preferred email address, unless the report or complaint was made anonymously.

Section 3. Filing Fee.

There will be no filing fee associated with the filing of a report or complaint of alleged violations of USA Boccia's Code of Ethics or other rule or regulation related to conduct or the SafeSport Code.

4. Interim Measures.

USA Boccia may impose interim measures at any time pursuant to Article II Section 10.

5. Preliminary Inquiry/Investigation.

Upon receipt of a report of an alleged violation of USA Boccia's Code of Ethics or other rule or regulation related to conduct or the SafeSport Code when the Center declines to exercise jurisdiction, the Judicial Committee will undertake a preliminary inquiry into the matter and gather any relevant information it can regarding the alleged misconduct. (See Article II, Section 4, General Hearing Procedures, Conduct of the Proceedings).

If the Judicial Committee determines that a formal investigation is required before proceeding with the case, then the Judicial Committee will conduct an unbiased and impartial investigation of the report and prepare an investigative report that provides a comprehensive description of the investigator's findings. (See Article II, Sections 2 – 5, General Hearing Procedures).

6. Informal Resolution

At any time prior to a final decision, USA Boccia Board of Directors has the authority to reach an informal resolution of any matter. An informal resolution is a final decision and will not be appealable.

7. Party Responsible For Pursuit of Case.

- a. USA Boccia Pursues Case. After review of the initial report, any preliminary information gathered, and the investigative report (if one has been issued), USA Boccia may hear a complaint denied by SafeSport by referring the complaint to the Judicial Committee for a hearing using the complaint procedures outlined in Article II. The Judicial Committee will pursue a complaint based on the reported misconduct **unless**, either through the preliminary inquiry and/or investigative report, the Judicial Committee determines with certainty that there is no basis to the report, or if an informal resolution has been reached.
- b. USA Boccia Declines the Case.

- i. If USA Boccia Board of Directors declines to file a complaint on behalf of USA Boccia based on the preliminary inquiry and/or investigative report or other reasons, then the chair of the Judicial Committee must advise the reporting party (if the report was not made anonymously) that, while USA Boccia Board of Directors will not initiate a complaint in its own name, the reporting party may still file his/her complaint directly with the Judicial Committee.
- ii. If the reporting party elects to file a complaint, then the reporting party is responsible for all aspects of pursuing the case that otherwise would have been the responsibility of USA Boccia Board of Directors.
- iii. The reporting party who elects to move the case forward will be provided with any relevant information collected by the Judicial Committee.

8. Filing Requirements.

- a. Manner of Filing. A complainant (either USA Boccia Board of Directors, or the reporting party only if USA Boccia Board of Directors declines to pursue the case) will file a Disciplinary Action Complaint or SafeSport Code Allegation Complaint with the Judicial Committee at judicialcommittee@usaboccia.org.
- b. Requirements for Athlete Safety Complaints. It is preferable for the details provided in the Disciplinary Action Complaint or SafeSport Code Allegation Complaint be written in a clear and organized manner, preferably in numbered paragraphs: (i) list the identity of the individual or individuals alleged to have violated USA Boccia's Code of Ethics or other rule or regulation related to conduct or the SafeSport Code; (ii) provide information regarding the misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; (iii) include the initial report of the alleged misconduct; (iv) include any relevant information gathered from any preliminary inquiry or investigation conducted by USA Boccia Board of Directors or third parties, including any investigative report; and (v) if USA Boccia Board of Directors is the complainant, the reporting or complaining party's contact information, including a preferred email address, if known.
- c. Filing Fee. There will be no filing fee associated with Disciplinary Actions or SafeSport Code Allegations.

9. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures. However, minors will not be required to submit to cross-examination by the respondent or the respondent's representative, and may instead be examined by the members of the Hearing

Panel, including based on written questions submitted by the respondent and/or respondent's representative.

10. Appeal.

If a party is denied the opportunity to participate as a result of the Complaint Hearing Panel's final decision under this Article VI, then the party may appeal that decision to the AAA pursuant to the AAA's Commercial Arbitration Rules. If the Complaint Hearing Panel's decision implicates a party's opportunity to participate in a protected competition as defined in Section 1.3 of the USOPC Bylaws, then the party may proceed through the process set forth in Section 9 of the USOPC Bylaws.

ARTICLE VII. EXCLUDED PROCEEDINGS

1. Scope of Jurisdiction.

The jurisdiction of the Judicial Committee is limited as follows:

- a. Anti-Doping Violations. A decision concerning a doping violation adjudicated by the independent anti-doping organization designated by the USOPC to serve as the U.S. National Anti-Doping Organization (currently the United States Anti-Doping Agency) shall not be reviewable through, or the subject of, these complaint procedures.
- b. SafeSport Decisions. A decision concerning a SafeSport Code violation adjudicated by the independent safe-sport organization designated by the USOPC (currently the Center) shall not be reviewable through, or the subject of, these complaint procedures.
- c. Field of Play Decisions. The final decision of a referee 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 referee) shall not be reviewable through, or the subject of these complaint procedures unless the decision is: (i) outside the authority of the referee to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term "referee" shall include any individual with discretion to make field of play decisions.

ARTICLE VIII. NO RETALIATION

USA Boccia has zero tolerance for retaliatory conduct by any USA Boccia member, employee, coach, referee/official, board member or any other official associated with USA Boccia who comes forward with a good faith complaint or issue reported under these Complaint Procedures. Retaliation for reporting an alleged violation shall constitute a violation of USA Boccia's rules and Code of Ethics and will be grounds for disciplinary actions. This anti-retaliation statement is included in the Complaint Form.

ADDENDUM

USA Boccia Online Complaint Form
Outline for Complainant Written Testimony
Outline for Respondent Written Testimony
Outline for Witness Written Testimony
USA Boccia Confidentiality Statement
USA Boccia Background Check Policy

USA BOCCIA ONLINE COMPLAINT FORM

SUBMITTING YOUR COMPLAINT:

All required forms are available in a fillable PDF document. When you are ready to submit your complaint, include any documents relevant to the complaint upon which the claim is made. (See Complaint Procedures Article III, Section 2, and Article IV, Section 2, Filing Requirements).

When you complete all documents attach them to an email and send your email to:

judicialcommittee@usaboccia.org and usabocciapresident@gmail.com.

STEP 1

Complete this USA Boccia Online Complaint Form. Answer each question with the appropriate response. For Yes / No questions, if your response is No, you may move to the next question. If your response is yes, complete the information in the box provided.

You must complete the section where you electronically print your name, sign, and date the form. Save your completed document on your personal computer.

STEP 2

Download the file, Outline for Complainant Written Testimony.

Using the paragraph format provided, describe your complaint in clear and concise language.

You must complete the section where you electronically print your name, sign and date the form. Save your completed document on your personal computer.

STEP 3

If there were any witnesses to the alleged violation, and you want their statement to be included in the Complaint Hearing, download the Outline for Witness Written Testimony.

Using the paragraph format provided, the witness should describe his or her testimony in clear and concise language. The witness should electronically print his or her name, sign and date the form.

The witness (es) should save the completed document and send you, the Complainant, Witness Written Testimony as an email attachment.

STEP 4

When all the documents are completed send an email to judicialcommittee@usaboccia.org and usabocciapresident@gmail.com with any completed files as an attachment. By sending an email with the attachments you are officially filing a complaint.

Your email will be sent directly to the USA Boccia Judicial Committee chairperson and the president of the USA Boccia Board of Directors. The chair of the Judicial Committee will respond acknowledging receipt of your complaint and will notify the respondent(s) identified in the complaint by email.

USA BOCCIA ONLINE COMPLAINT FORM

The USA Boccia Complaint Procedures provide a process by which an athlete, coach, trainer, manager, administrator or other official may file a complaint with the USA Boccia Judicial Committee, alleging a violation of or grievance. The complaint must indicate which of the five categories below best represents the focus of the complaint. Please underline only one grievance or complaint category.

- a. Administrative Grievance. Allegation of a violation of or grievance.
 - (i) Any USA Boccia rule or regulation,
 - (ii) Any USA Boccia program or service,
 - (iii) Any provision of USA Boccia's Bylaws, or
 - (iv) Any provision of the USOPC Bylaws or Ted Stevens Olympic and Amateur Sports Act ("Sports Act") relating to USA Boccia's membership obligations and recognition as a High Performance Management Organization.
- b. Opportunity to Participate Complaints. Any alleged denial, or alleged threat of denial, of an athlete, coach, trainer, manager, administrator or official's opportunity to participate in competition or activity authorized or organized by USA Boccia.
- c. Background Check Review. Any self-disclosure or red-light finding of a criminal disposition that was conducted pursuant to USA Boccia's Background Check Policy.
- d. Disciplinary Actions. Any alleged violation of USA Boccia's Code of Conduct, Code of Ethics, or any other rule or regulation relating to conduct, other than alleged violations of the U.S. Center for SafeSport (the "Center").
- e. SafeSport Code Allegations. Any alleged violation of the U.S. Center for SafeSport's Code over which the Center declines jurisdiction.

Is this an urgent request?

YES

☐

NO

☐

THE COMPLAINANT: (the individual filing the complaint)

(Note: If there is more than one Complainant, please list the names of all Complainants on an additional sheet. Only list the contact information for the primary Complainant.)

Complainant's name:

Complainant's full mailing address:

Complainant's telephone:

Complainant's email address:

Authorized representative's name:
(Person assisting in completion of this form)

Authorized representative's email:

THE RESPONDENT: (the person or persons or sports organization alleged to have committed the violation that caused the complaint).

(Note: If the email address of the Respondent is not known, the Judicial Committee will process the complaint, but there may be a delay in notifying the Respondent.)

Respondent's name:

Respondent's email address if known:

Is there more than one Respondent?

- ☐ Yes
- ☐ No

Provide the names and contact information here:

COMPETITION: Complete this section only when filing an Opportunity to Participate Complaint. Please list the competition(s) that is the subject of the complaint:

COMPETITION NAME:

DATE OF COMPETITION:

URGENCY: To the best of your knowledge, please describe any reasons or deadlines suggesting an urgency to resolve the dispute and provide the reasons justifying the need for an expedited procedure: i.e. competition within 48 hours.

If there are additional competitions that are the subject of the complaint, please list them here:

Please specify the outcome you are seeking:

OTHER PROCEEDINGS:

Are you aware of any other complaint filed or other ongoing proceedings that might have an effect on the present complaint?

- ☐ Yes
- ☐ No

If yes, please provide the forum in which the complaint or proceeding is being heard:

Have you already filed a demand with the American Arbitration Association (AAA) on this matter?

- ☐ Yes
- ☐ No

If yes, specify the date of filing:

Are you seeking arbitration? (See Complaint Procedures Article II, Section 4, Conduct of the Proceedings).

- ☐ Yes
- ☐ No

I hereby attest:

- ☐ that I am submitting this complaint as the primary Complainant or have the express authority to submit it on behalf of the Complainant(s)

PRINT THE NAME OF THE COMPLAINANT:

DATE:

COMPLAINANT SIGNATURE:

Any questions concerning this form or the filing of a complaint may be directed to the chair of the Judicial Committee at judicialcommittee@usaboccia.org.

Before sending your email, please check to see you have attached the following required forms:

USA Boccia Online Complaint Form
Complainant Written Testimony

*If a witness's testimony will be used during the Complaint Hearing, a copy of the Witness Written Testimony must also be attached to the email.

Outline for **Complainant** Written Testimony

The Complainant Written Testimony should be stated in clear and concise language. You may write your response under the paragraph description.

Paragraph 1

Describe your complaint, the location it occurred, where the alleged incident occurred, and the date(s) it occurred,

If the complaint falls under Administrative Grievances, list the identity of the rule, regulation, policy, Bylaw provision, or other USA Boccia requirement alleged to have been violated;

If the complaint falls under Opportunity to Participate, list the date and name of competition.

If the complaint fall under Disciplinary Actions, make reference to which document the alleged violation is from: USA Boccia's SafeSport Policy, USA Boccia's Code of Ethics, or any other rule or regulation relating to conduct.

Refer to the USA Boccia Complaint Procedures document Article I Administration of Complaints, Section 1 Types of Complaints, for further information about the categories under which you may file a complaint;

Paragraph 2

List the identity of any person(s) that have been involved in or caused the alleged incident or grievance. Refer to the Complaint Procedures, Articles III and IV for more information; Describe, in your own words, the action(s) you took during and after the alleged incident.

Paragraph 3

List the identity of any witnesses to the alleged incident. If a witness asks to remain anonymous, list each anonymous witness by separate letters i.e. Witness A, Witness B, etc. Each witness is required to complete the Outline for Witness Testimony form and

Paragraph 4

Include any other information you want the Complaint Hearing Panel to consider in their deliberations.

Paragraph 5

Specify the outcome you are seeking.

Electronically print your name, sign and date your Complainant Written Testimony.
Save the completed file to your personal computer.

Send an email to the chair of the Judicial Committee and attach your completed form, and any other documents you would like presented at the Complaint Hearing to judicialcommittee@usaboccia.org and usabocciapresident@gmail.com

Complainant Name Print

Date

Complainant Signature

Outline for **Respondent** Written Testimony

The Respondent's Written Testimony should be stated in clear and concise language. You may write your response to the alleged incident under the paragraph descriptions listed below. You may have a representative of your choosing assist you in the completion of these forms. When completed, this document will become part of the information reviewed at the Complaint Hearing. As the Respondent it is your responsibility to gather information and submit it to the chair of the Judicial Committee prior to the Complaint Hearing,

Paragraph 1

Refer to the letter from the chair of the Judicial Committee that outlined the complaint and provided information about the alleged incident. Refer to the USA Boccia Complaint Procedures document Article I Administration of Complaints, Section 1 Types of Complaints, for further information about the category under which the complaint falls. The USA Boccia Complaint Procedures are listed on the USA Boccia website, usaboccia.org.

Describe, in your own words, your response to the alleged incident. Please elaborate on your actions before, during, and after the alleged incident.

Paragraph 2

List the identity of any witnesses to the alleged incident that might speak on your behalf. If a witness asks to remain anonymous, list each anonymous witness by separate letters i.e. Witness A, Witness B, etc. Each witness is required to complete the form Outline for Witness Testimony form. Once the witness completes this form he/she should send it to you, the Respondent, so you can include them in your packet of information for the Complaint Hearing.

Paragraph 3

Include any other information you want the Complaint Hearing Panel to consider in their deliberations.

Electronically print your name, sign and date your Respondent Written Testimony.

Save the completed file to your personal computer.

Send an email to the chair of the Judicial Committee and attach your completed form, and any other documents you would like presented at the Complaint Hearing to judicialcommittee@usaboccia.org and usabocciapresident@gmail.com.

Respondent's Name Print

Date

Respondent's Signature

Outline for **Witness** Written Testimony

_____, Witness for the Complainant, or
NAME

_____, Witness for the Respondent
NAME

The Witness Written Testimony should be stated in clear and concise language. You may write your response under the paragraph description.

Paragraph 1

Describe in your own words the action(s) you observed during the alleged incident. Designate the location where the alleged incident occurred, and the date(s) it occurred.

Paragraph 2

Describe any conversations you had concerning the alleged incident. When did these conversation(s) occur and with whom?

Paragraph 3

Include any other information you want the Complaint Hearing Panel to consider in their deliberations.

Electronically print your name, sign and date your Witness Written Testimony.

Witness name

Date

Witness signature

Save the completed file to your computer. Send a copy of the file to the person you are representing.

USA Boccia Confidentiality Statement

The information within this report or filing is confidential between the person who is filing and the organization to whom the report is being submitted, which may include but is not limited to USA Boccia, the United States Olympic and Paralympic Committee and/or the US Center for SafeSport and should not be disclosed to any other person. It should not be reproduced in whole, or in part, nor should any of the information contained therein be disclosed without the prior consent of the reporting individual.