

USA Volleyball Grievance Procedure

USA Volleyball (“USAV”) is the recognized National Governing Body (“NGB”) for the sport of beach volleyball, indoor volleyball, and sitting volleyball in the United States pursuant to federal law and the Constitution and Bylaws of the United States Olympic and Paralympic Committee (“USOPC”), and as such, it is the responsibility of USAV to ensure that there is prompt and equitable resolution of grievances including providing an opportunity for due process.

I. Types of Grievances

The types of grievances that can be filed include, but are not limited to:

- A. Matters involving an athlete’s opportunity to participate in protected competitions with USAV;
- B. Alleged non-compliance of USOPC Bylaws or the Act by USAV;
- C. Any complaints against USAV (Note: Federations, Territories, and other organizations which do not have membership in USAV and/or individuals who are not registered with USAV who violate USAV procedures or policies relating to USAV activities are not entitled to due process from USAV related to the privilege of future or continued participation in USAV).

II. How to Report Grievances

- A. Filing the Complaint. For those instances not involving an athlete’s rights to participate in a protected competition, the complaint will be initiated by completing the Grievance Form located on the USAV website.
- B. Reporting. The complaint form should be emailed Attention To: USAV General Counsel (Rachael Stafford rachael.stafford@usav.org) and the USAV Chair of Ethics and Eligibility (legal@usav.org).
- C. The party filing the complaint or appeal shall be referred to as the Petitioner.

III. How to Report Matters Involving an Athlete’s Opportunity to Participate in Protected Competitions.

Per the Ted Stevens’ Amateur Sports Act and the USOPC, an athlete is afforded specific rights regarding their ability to participate in protected competitions. USAV follows very specific guidelines with regards to an athlete’s rights to question their rights to participate in protected competitions. The process of submitting a complaint and the adjudication process of those complaints can be found in the USAV Bylaws, Article XI, which are located on the USAV website under the governance page (<https://usavolleyball.org/about/governance/>)

IV. Administration of the Grievance

- A. Pre-Hearing Procedure

1. Notice of Hearing. The Chair of E&E shall set a hearing date, which shall be no more than ninety (90) days from the date of issuance of the Notice of Hearing, unless just cause is shown for why the Hearing should occur later. The Chair of E&E shall deliver the Notice of Hearing within fourteen (14) business days, together with a copy of the complaint or appeal and all supporting documentation provided, to all affected parties, including the Respondent and the Hearing Panel. Delivery of the Notice of Hearing may be made electronically. The Notice of Hearing shall include the following:
 - a. The names of the Petitioner and the party the complaint or appeal is filed against, further known as the Respondent and the fact that the parties have the right to legal representation;
 - b. The date any response to the complaint or appeal is due;
 - c. The date, time and place (or the fact that the hearing shall be conducted by conference call) of the hearing;
 - d. The possible penalties;
 - e. The right of appeal and the time limit for an appeal;
 - f. Any other general information, including the right to be represented by counsel, to have witnesses testify, and to submit any and all evidence which is relevant to the issues.
2. Response. The Respondent shall have thirty (30) days from the date of the issuance by the Chair to submit a written response, which shall be delivered to the Chair and the Petitioner or its counsel and may be delivered electronically. The Chair shall be responsible for delivering any responses to the Hearing Panel.
3. Reply. The Petitioner shall have ten (10) days from the date of delivery of the Response to submit a written Reply. The Reply shall be delivered to the Chair and the Respondent and may be delivered electronically. The Chair shall be responsible for delivering any replies to the Hearing Panel.
4. Time Limits. Upon showing of good cause, the Chair of E&E may decrease or increase the time limits for any of the foregoing.
5. Requests to Expedite.
6. Dismissal. In due course, the Chair of E&E may entertain a Motion to Dismiss a Grievance. A Motion to Dismiss may be filed for reasons such

as a lack of evidence, a failure to move forward with the claims, a settlement has been reached, or lack of response or cooperation from one (or both) of the parties. In the event such a Motion is filed, the Chair of E&E shall provide notice of the proposed Motion along with the original Complaint to all parties; shall deliver such notice to all parties within fourteen (14) business days, without just cause for delay; and, entertain an answer from the non-filing party to be filed in no longer than fourteen (14) business days from the date of notice as to why the matter shall not be dismissed. The Chair of E&E shall provide a decision in writing to all parties within twenty-one (21) days of receipt of the answer.

B. Hearings.

1. A Hearing will be conducted for all complaints involving alleged violations of USOPC Bylaws or the Ted Stevens Amateur Sports Act, as well as all opportunities to participate. In those matters not involving any of the aforementioned, , Hearings may be conducted by review of the written complaints, answers, and other documents only. Hearings may also be conducted telephonically, electronically, or by any other means reasonable to ensure all parties have the ability to participate. The Chair of E&E shall set the means for how each hearing will be conducted.
2. The Chair shall provide notice to all parties of the identity of all Hearing Panel members and of any witnesses that will appear at the hearing.
3. The Chair shall be responsible for ensuring the distribution of evidence to all parties such that the evidence can be inspected within a reasonable time to prepare a party's position in the matter.
4. For all hearings conducted other than through review of the written statements, the Chair of E&E may cause a recording or transcription to be made of the proceedings at the expense of E&E, or the parties or a party may request a recording or transcription to be made of the proceedings at the expense of the requesting party(ies).
5. A hearing may proceed in the absence of any party who fails to be available at the appointed time. Judgment shall not be reached merely because of the person's absence. If E&E determines that the hearing cannot proceed without the absent party, E&E may adjourn the hearing and reschedule to continue it or such time as the absent party can be present.
6. The Chair of E&E shall set the format and pace of the hearing.
7. Hearings shall be closed to the public.

- C. Decisions. A decision may be rendered by E&E at the time of the hearing and reduced to writing within five (5) business days, in which event a written decision shall be delivered to the parties within seven (7) business days after the hearing. Otherwise, E&E shall reach a decision as soon as administratively practicable (but not more than twenty-one (21) business days after the conclusion of the hearing) and shall deliver the written decision within seven (7) business days thereafter. The written decision shall set forth the right of appeal and how to do so.
- V. Hearing Panel Composition. The Hearing Panel shall consist of the designated USAV Ethics and Eligibility Committee (“E&E”), which are a disinterested and impartial body of individuals to any matter, consisting of six voting members at least 1/3 of whom shall be international athletes. Committee members shall be selected from a broad spectrum of volleyball constituencies, including independents, to optimize objectivity, relevant experience, and diversity. The Chair of E&E shall also keep a cadre of individuals on hand to select from to seat the Hearing Panel in case of identified conflicts. Prior to reviewing any Complaint, each proposed Hearing Panel member shall complete a conflict of interest examination relative to the parties involved in the Hearing. Should any conflicts be identified, the affected Hearing Panel shall disqualify from that matter and the Chair shall select a replacement individual from the cadre referenced herein to review the matter.
- VI. Appeals.
- A. For those matters involving alleged violations of USOPC Bylaws or the Ted Stevens Amateur Sports Act, as well as all opportunities to participate, included in the decision there shall be a notice of the opportunity to appeal (see Section VI.B.) or submit to an established major national provider of arbitration and mediation services based in the US and designated by the corporation with the concurrence of the USOPC AAC and the National Governing Bodies’ Council as required by the Act. The decision of the appeal group or the arbitrator or mediator shall be final.
- B. For all other matters, the decision shall include information on how to file an appeal with the USAV Board of Directors. Appeals may be submitted electronically to the Chair of E&E within fourteen (14) business days of the date of the decision. Within three (3) business days of receipt of the appeal, the Chair of E&E shall forward it to USAV General Counsel for setting the matter for review by the USAV Board of Directors during its next regularly scheduled meeting, unless documentation has been provided noting exigent circumstances as to why the matter should be reviewed earlier. The USAV Board of Directors will conduct a review of all the documents provided during the underlying process along with the decision and render its appeal decision. No Hearings shall take

place at the USAV Board of Directors level. All appeal decisions of the USAV Board of Directors shall be final.

VI. Other Resources

A. Office of the Athlete Ombuds

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

Phone: 719-866-5000

Email: ombudsman@usathlete.org

Website: usathlete.org

B. Athlete Ombuds Confidentiality and Privacy Policy

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

VII. Anti-Retaliation

No individual associated with USA Volleyball (USAV) who, in good faith, reports a violation of any matters shall be subject to retaliation, including, harassed, threatened,

discriminated against, demoted, discharged or subjected to other forms of retaliation or other adverse consequences associated with the reporting.

Per the Ted Stevens Olympic and Amateur Sports Act (the “Act”), retaliation means any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a protected individual as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with: (1) the U.S. Center for SafeSport; (2) a coach, trainer, manager, administrator, or official associated with USAV; (3) the Attorney General; (4) a Federal or State law enforcement authority; (5) the Equal Employment Opportunity Commission; or (6) Congress.

No individual with USAV shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

Anyone who retaliates against someone who has reported a violation as discussed in this policy, in good faith, is subject to discipline up to and including dismissal from Board positions, cancelation of contracts, or other such applicable action. In the case of a USAV employee who has been found to have retaliated against someone under this policy, the USAV employee shall be automatically terminated or suspended without pay as required by the Act.