

HEARING PROCEDURES FOR USA SHOOTING HEARING PANELS

The following procedures provide guidance for hearing panels (defined in the Section titled Hearing Panel Members below) to conduct hearings under the provisions of the Complaint Procedures of Article XX of USA Shooting's Bylaws ("Complaint Procedures"). This document is to be in addition to, not in place of the Complaint Procedures, and in the event of any discrepancy between the two, the Complaint Procedures shall prevail.

General Provision/Timing: The Judicial Committee shall hear all complaints in a timely, fair, and impartial manner. Except for expedited hearings, all hearings shall be heard no later than 90 calendar days after the last filing with USA Shooting.

Expedited Hearings: Upon the request of a party, and provided the Judicial Committee deems it necessary, the Judicial Committee may expedite the proceeding:

- (i) to resolve a right to compete matter related to a competition that is scheduled, such that the regular procedures would not be likely to produce a sufficiently early decision to do justice to the affected parties; or
- (ii) is necessary given the health and safety of athletes in light of an alleged USAS SafeSport Policy violation.

Hearing Panel Members: Upon the filing of a Complaint (defined below), the Chair of the Judicial Committee shall appoint a hearing panel consisting of three (3) disinterested individuals to hear the complaint, which shall include at least one (1) athlete (collectively called the "Hearing Panel") as more fully set forth in USA Shooting's Bylaws. All hearing panel members must be disinterested throughout the course of the hearing or will be replaced. Out of the members of the appointed hearing panel, the Judicial Committee shall also appoint a Chair of the Hearing Panel. Once the Hearing Panel is assembled, USA Shooting shall disclose the panel members to the complainant(s) and respondent(s).

Jurisdiction: A Hearing Panel has the jurisdiction to hear the following types of complaints: (1) Administrative Grievances, (2) Right to Compete complaints, and (3) SafeSport Violations, as defined in Article XX of USA Shooting's Bylaws (collectively "Complaint(s)"). Each Complaint has different filing requirements as set forth below. Field of play decisions are only reviewable through an Administrative Grievance or Right to Compete complaint if the decision was: (i) outside the authority of the Judge to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the Judge. For purposes of this Section, the term "Judge" shall include any individual with discretion to make field of play decisions.

Filing Requirements and Statutes of Limitations.

1. Administrative Grievances:

The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the name and address of the parties, (ii) the alleged violation, grievance, denial or threat to deny, (iii) the remedy requested, and (iv) any supporting documentation. The complainant shall sign the complaint under oath and file the complaint at complaints@usashooting.org. The complainant shall pay a filing fee of: \$250 (individual), \$500 (organization); provided however, USA Shooting is not required to pay a filing fee.* An Administrative Grievance must be filed no later than sixty (60) calendar days of the occurrence of the alleged violation or grievance.

2. Right to Compete Complaints:

The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the name and address of the parties, (ii) the alleged violation, grievance, denial or threat to deny, (iii) the remedy requested, (iv) a list of adverse affected parties, and (v) any supporting documentation. The complainant shall sign the complaint under oath and file the complaint at complaints@usashooting.org. The complainant shall pay a filing fee of \$250 (individual), \$500 (organization); provided however, USA Shooting is not required to pay a filing fee.* A Right to Compete complaint must be filed no later than six (6) months of the denial or threat to deny participation.

3. Safe Sport Violations:

The complaint and filing fee requirements do not apply to safe sport violations. The complainant shall file the complaint at athletesafety@usashooting.org. Except for a SafeSport Violation alleging sexual misconduct (as defined in USA Shooting's Safe Sport Policy), Safe Sport Violations must be filed within 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.

USA Shooting's Delivery of Documents:

Within ten (10) business days of the appointment of the Hearing Panel, the CEO (or their designee) shall provide to the Chair of the Hearing Panel a copy of each of the following documents: (i) the complaint; and (ii) all materials filed with the complaint, if any.

USA Shooting shall deliver the entire complaint to the respondent within a reasonable time after receipt, not to exceed 14 business days, without just cause for delay.

The respondent shall have fourteen (14) calendar days to file an answer and/or counterclaim which must be signed under oath with any supporting documentation.

USA Shooting shall deliver the entire answer and/or counterclaim to the complainant and Hearing Panel in a reasonable time after receipt, not to exceed fourteen (14) calendar days, without just cause for delay.

Affected Parties: USA Shooting, in consultation with the USOPC Ombuds and Hearing Panel, shall assess the complaint to determine who may be an affected athlete and notify the same of the complaint and their rights related thereto. Any athlete not notified, but believing that they are also an affected athlete, may contact the Hearing Panel for reconsideration. The Hearing Panel shall ensure that any person whose interests are affected by the relief sought in the complaint and/or any counterclaim (an "Affected Party") is given timely notice of the proceeding and is provided with all materials described above. An affected party shall be eligible to participate fully in the proceeding as if they were an original party thereto, including the hearing. Any individual receiving notice of the proceeding as a potentially Affected Party shall be bound by the decision of the Hearing Panel, even if he or she chooses not to participate.

Hearing Rules:

1. The hearing shall be closed to the public with the exception of 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. Each party will 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.
5. Conformity to legal rules of evidence will not be necessary.
6. The hearing shall be informal, except that testimony shall be taken under oath.
7. The hearing may be conducted by teleconference, if necessary or convenient to the parties.
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:

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 USA Shooting's Bylaws. If the complaint is not dismissed, the Hearing Panel shall hold a hearing on the complaint.

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

Complainant
Respondent

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

10. Evidence:

Witness Testimony:

Complainant and Respondent shall exchange witness lists in advance of the hearing, and their respective representatives or counsel will have the right to call and/or question witnesses.

The Hearing Panel will also have the right to question witnesses.

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.

Documentary evidence shall 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.

11. 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.

12. Decision:

The Hearing Panel will deliberate in closed session and will have an opportunity to review all evidence presented.

A decision shall be made by a majority of the Hearing Panel.

The decision shall be in writing and include the grounds for the decision based on the evidence.

The decision shall be distributed to the parties and shall include a Notice of Arbitration Rights, if any.

The Hearing Panel's decision shall be final and binding unless a party is entitled to seek arbitration as referred to below.

13. Arbitration:

A party shall be entitled to pursue arbitration with the American Arbitration Association in the event the Hearing Panel's decision involves the opportunity of a party to participate or to seek to participate in a protected competition, as referred to in and in accordance with applicable provisions of the Ted Stevens Olympic Amateur Sports Act and the USOC Bylaws. The arbitration shall be binding.

14. Discipline:

Where a Hearing Panel decision has been rendered in a matter where the discipline imposed is suspension, permanent expulsion or permanent ineligibility, it shall pass such information to USA Shooting, that shall publish certain information on its website and newsletter.

* The complainant may request that the filing fee be reduced or waived for reasons of significant financial hardship. If such request is made, the Judicial Committee will determine whether to reduce or waive the filing fee. If the complaint is upheld by the Judicial Committee, the fee will be returned.