

TAB A

USSF BYLAWS AND POLICIES RELATING TO HEARINGS AND APPEALS

Bylaw 701. HEARING PROCEDURES

Section 1.

(a) In all hearings conducted under these bylaws, the parties shall be accorded:

- (1) notice of the specific charges or alleged violations in writing and possible consequences if the charges are found to be true;
- (2) reasonable time between receipt of the notice of charges and the hearing within which to prepare a defense;
- (3) the right to have the hearing conducted at a time and place so as to make it practicable for the person charged to attend;
- (4) a hearing before a disinterested and impartial body of fact-finders;
- (5) the right to be assisted in the presentation of one's case at the hearing;
- (6) the right to call witnesses and present oral and written evidence and argument;
- (7) the right to confront witnesses, including the right to be provided the identity of witnesses in advance of the hearing;
- (8) the right to have a record made of the hearing if desired;
- (9) a written decision, with reasons for the decision, based solely on the evidence of record, issued in a timely fashion, with all Federation grievance decisions posted on the Federation website, and sent to the Board of Directors and all Organization Members;
- (10) notice of any substantive and material action of the hearing panel in the course of the proceedings; and
- (11) quality concerning communications, and no ex parte communication is permitted between a party and any person involved in making its decision or procedural determination except to provide explanations involving procedures to be followed.

* * *

Bylaw 705. APPEALS PROCEDURES

Section 1.

(a) The Appeals Committee shall consider and determine appeals from final decisions rendered by Organization Members (except Professional League Members) relating to activities sponsored by the Federation or the Organization Member (except a

Professional League Member) or its members. The decision of the Appeals Committee is final. The Appeals Committee has the power to call for the production of any documents and evidence the Appeals Committee may require.

(b) (1) In this subsection, “competition” may include games, tournaments, league play, or a regular season.

(2) No decision of an Organization Member that arises out of the application of the rules of competition which is made in the course of the competition, and has no consequence beyond the competition, is appealable. Nothing in this subsection shall be construed to limit the rights of appeal available under the Amateur Sports Act or the Constitution or Bylaws of the USOC relating to the opportunity of Athletes to participate in “protected competition”, as defined in the USOC Constitution.

Section 2. An appeal shall be made in accordance with procedures established by the Board of Directors and is begun by submitting a notice of appeal within 10 days from the date of the official receipt of the decision by the party making the appeal. Copies of the notice of appeal shall be sent to all opposing parties and to the appeals committee or other body whose decision is being appealed.

Section 3. The notice of appeal shall be accompanied by the appeal fee in the form of money order or cashier’s check in an amount determined by the Board of Directors. The appeal fee shall be retained by the Federation.

Section 4. The appeals committee or other body whose decision is being appealed shall, within 10 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, forward to the Secretary General and to all parties the official record utilized by it in making its decision. Parties should not resubmit documents contained in the official record.

Section 5. Within 20 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, the appealing party shall submit to the Secretary General any argument it wishes to make in support of the appeal and shall furnish copies of the argument to all opposing parties and to the appeals committee or other body whose decision is being appealed.

Section 6. Within 30 business days of the date of acceptance of jurisdiction by the Appeals Committee of the notice of appeal, all opposing parties shall submit to the Secretary General any argument they wish to make in opposition to the appeal.

Section 7. A decision rendered by an Organization Member (except a Professional League Member) from which an appeal is taken is not suspended pending the final decision of the Appeals Committee unless the Committee otherwise orders. That decision may be upheld, reversed, or reversed and remanded.

Policy 701 -1 Hearing Procedures

This policy provides the minimum rights that each party would have at a hearing with respect to the right to assistance in presenting one's case at a hearing, as must be allowed under Federation Bylaw 701(5). These minimum rights apply to hearings conducted by Organization Members and their members or other hearing body. A copy of these minimum rights should be delivered to the parties with the notice of the hearing.

(A) Each party at a hearing shall have the right to have an individual present at the hearing to assist the party in presenting the party's case. Such individual may, but shall not be required to be, an attorney.

(B) If the Organization Member or member of the Organization Member ("Complainant") is represented by another individual at any hearing and the hearing panel allows that individual to speak, question the parties and/or witnesses, or grants that individual any other rights, then it shall afford all other parties, or the individual representing the party, including an attorney, the same rights during the course of the hearing as is allowed to the individual representing the Complainant.

(C) If an attorney is present at a hearing to assist a party in presenting the party's case, it shall be made clear at the commencement of any such hearing that the hearing shall proceed in accordance with the Organization Member's hearing rules and procedures. All Federal, State or local Rules of Evidence or Civil Procedure shall not be applicable.

(D) An Organization Member may provide, as part of its hearing rules and procedures, that an individual assisting a party may be allowed to speak on behalf of the party, make requests or ask questions at the hearing.

(E) Regardless of whether the Organization Member allows the individual assisting the party the rights to speak, make requests or ask questions, as noted in Paragraph D above, an individual assisting the party in presenting the party's case shall have the right to be physically present in the hearing room, and so as not to interfere with the hearing procedure, it is also recommended that the individual be seated close to the party (either behind or next to the party) so that the party may seek assistance when desired during the course of the hearing.

(F) During the course of the hearing, the party may confer briefly with the individual who is assisting before making a statement or request or prior to responding to a question. The panel conducting the hearing may limit the frequency and duration of the conferences so as not to unduly interfere with the proceeding.

(G) If there is confusion or concern, the party may request a recess to confer with the individual assisting the party. Such a request should be granted unless the

number of requests by a party becomes unreasonable or the length of a requested recess is deemed by the hearing panel to be unreasonable.

(H) An individual assisting a party may prepare written materials for the party and collect documents for the party. However, the party must submit or present the materials and documents as materials and documents of the party, and not of the individual assisting. The party has complete responsibility for those materials and documents and is subject to questioning about them.

(I) Nothing contained in this policy shall prevent an Organization Member from allowing greater rights to assistance than those set forth in Paragraphs A-H above. For example, an Organization Member may, but shall not be obligated to, allow more than one individual to assist a party at any given time.

(J) The rights, either mandatory or permissible under this policy, shall be consistently applied, and the Organization Member should not arbitrarily allow or disallow the rights set forth above to those individuals assisting a party in the presentation or defense of the party's case.