

## USA Climbing Grievance Policy

### 1) Designation of Complaints.

The following kinds of complaints may be filed with USA Climbing:

- a. Administrative Grievance. USA Climbing or any member of USA Climbing may file a complaint pertaining to any matter within the cognizance of USA Climbing, including but not limited to any alleged violation of or grievance concerning:
  - i. any USA Climbing rule or regulation,
  - ii. any applicable SafeSport Policy including the Minor Athlete Abuse Protection Policy of the US Center for SafeSport (the "MAAPP"),
  - iii. any provision of USA Climbing's Bylaws,
  - iv. any provision of the United States Olympic & Paralympic Committee (USOPC) Bylaws,
  - v. the USA Climbing's Whistleblower and Anti-Retaliation Policy or
  - vi. any provision of the Ted Stevens Act relating to USA Climbing's recognition as a National Governing Body;
- b. Disciplinary Proceeding. USA Climbing or any member of USA Climbing may file a complaint against another member of USA Climbing, or former member of USA Climbing if the action occurred while the individual was a member, regarding any alleged violation of any USA Climbing rule or regulation relating to conduct, including without limitation USA Climbing's SafeSport Policies, and including any other applicable SafeSport Policy such as the MAAPP, but in each case subject to Section 7 (U.S. Center for Safe Sport) below.
- c. Right to Participate. Any Athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in a USA Climbing sanctioned competition, including in a Protected Competition as defined in Section 11 of the Bylaws.

### 2) Jurisdiction.

Any member of USA Climbing, by reason of membership, agrees to be subject to these complaint procedures and agrees to be bound by any decision rendered pursuant to these complaint procedures. In addition, persons other than members, by reason of participation in any competition or event sanctioned by USA Climbing or its member organizations, if any, including each athlete, coach, trainer, agent, athlete support personnel, medical or para- medical personnel, team staff, judge, routesetter, official and other person who participates in USA Climbing or USA Climbing events, agree to be subject to Section 7 (U.S. Center for Safe Sport) below.

3) Manner of Filing.

The complainant shall file the complaint with the Judicial Committee. The complaint shall set forth in clear and concise written language, preferably in numbered paragraphs: (i) the alleged violation or noncompliance, grievance, denial or threat to deny, (ii) the remedy requested, and (iii) the ability to attach evidence and documentation to support the allegation. The complainant shall sign the complaint and identify their full name and membership information. The complaint shall be addressed to a Board or Committee member, and the CEO.

4) Filing Fee.

A complaint shall be accompanied by a filing fee, except with respect to complaints under Section 7 (U.S. Center for Safe Sport) below or reports of athlete safety violations. The amount of the fee shall be set no more frequently than annually by the Board of Directors and shall be set forth in the Rulebook or any Membership Handbook of USA Climbing published to members. 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 shall determine whether or not to reduce or waive the filing fee.

5) Statute of Limitations.

A complaint filed under these Bylaws shall be filed within one hundred eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny, except that there shall be no time bar for actions regarding Safe Sport disciplinary proceedings.

6) Doping Decisions.

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.

7) U.S. Center for SafeSport.

- a. As a member National Governing Body (“NGB”) of the USOPC, USA Climbing is required to adhere to the safe sport rules and regulations of the USOPC. Additionally, USOPC Bylaw Section 8.7(l) provides that, as a condition of membership in the USOPC, each NGB shall comply with the policies and procedures of the independent safe sport organization designated by the USOPC to investigate and resolve safe sport violations. The USOPC has designated the U.S. Center for SafeSport as that organization. The current safe sport rules, policies and procedures are available on-line at the following website: [www.safesport.org](http://www.safesport.org)
- b. The delegation of authority and jurisdiction to the U.S. Center for SafeSport as set forth above, shall include matters involving allegations of sexual misconduct, including sexual abuse, and shall also include the investigation and issuance of sanctions related to allegations of other violations of USA Climbing SafeSport Policies (e.g., physical abuse, emotional abuse, bullying, harassment and hazing) that are reasonably related to and which accompany an allegation that involves sexual misconduct. Additionally, in the discretion of USA Climbing or at the

recommendation of the Judicial Committee, USA Climbing may request that the U.S. Center for SafeSport accept jurisdiction of matters that do not involve sexual misconduct but do involve allegations of physical abuse, emotional abuse, bullying, harassment or hazing.

- c. A decision concerning a Safe Sport violation adjudicated by the independent Safe Sport organization designated by the USOPC (currently the U.S. Center for SafeSport) shall not be reviewable through, or the subject of, these complaint procedures; provided, however, that USA Climbing may, under its own procedures, take appropriate interim measures in accordance with the policies and procedures of the U.S. Center for SafeSport.
- d. The duty to report to the U.S. Center for SafeSport, and the U.S. Center for SafeSport's jurisdiction to investigate, shall not supersede any local, state, or federal reporting requirements or jurisdiction, and shall not affect or impair the ability of any person that reports to the U.S. Center for SafeSport from also reporting to the appropriate local, state or federal authorities.
- e. Upon USA Climbing becoming aware of the issuance by the U.S. Center for SafeSport of any interim or permanent suspension, disciplinary action, sanction or other measures, after conclusion of the adjudicative process or by agreement subjecting a person to suspension or other sanction, USA Climbing shall enforce such suspension or other sanctions to the extent applicable, even if such suspension or other sanctions arose from allegations outside of USA Climbing programs.

#### 8) 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 the subject of, or reviewable through the procedures for, Administrative Grievances or Right to Participate Complaints 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, including any and all competition judges and officials.

#### 9) Administration.

The Judicial Committee shall administer, investigate, and oversee all matters arising under Section 1 above, except where otherwise required under Sections 6 (Doping Decisions) or 7 (U.S. Center for Safe Sport) above. The Judicial Committee shall review the initial report to determine whether it is an actionable claim for USA Climbing to resolve under its processes. The Judicial Committee shall be responsible for reviewing the relevant documentation or policies and conduct interviews with witnesses. The Judicial Committee shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. All parties shall be afforded basic due process rights. The Judicial Committee may promulgate procedures in addition to those set forth in this policy that do not conflict with this policy for the effective administration of matters arising under Section 1 above, including procedures for confirming that any person serving on a Hearing Panel discloses any conflicts of interest with respect to

the particular proceeding being heard or parties involved in such proceeding. USA Climbing or the Judicial Committee may provisionally suspend an accused individual, pending investigation and/or final resolution, subject to such individual being offered the opportunity to request a Hearing solely to consider whether there is sufficient evidence to support such provisional suspension. If a provisional suspension is in effect, the Judicial Committee will endeavor to cause an investigation or other proceeding to be conducted in a reasonably prompt manner under the circumstances. If USA Climbing finds an employee has retaliated against an individual for reporting an allegation of physical abuse, that employee must be immediately terminated or suspended without pay as required by §220509(c)(2) of the Act.

10) Hearing Panel.

- a. Matters arising under Section 1 above shall be referred to the Judicial Committee.
- b. Upon becoming aware of any matter under Section 1 above, the Judicial Committee shall appoint a Hearing Panel, which shall consist of either of the following: (i) its full Committee membership, or (ii) no fewer than three (3) individuals, which may include members of the Judicial Committee and/or may include individuals drawn from the Hearing Panel Pool identified in accordance with Section 9.16(d)(5) of the Bylaws. At least thirty-three and one-third percent (33.33%) of the members of the Hearing Panel shall be Athletes who meet the eligibility criteria for 10 Year Athlete Representatives, 10 Year + Athlete Representatives, or Actively Engaged Athlete Representatives described in Section 11.8(a) of the Bylaws, and provided that the Hearing Panel will be deemed a Designated Committee under the Bylaws (with resulting requirements for being 10 Year Athlete Representatives or 10 Year + Athlete Representatives) if convened to adjudicate a matter of an individual's right to participate in Protected Competition (as defined in Section 11.8 of the Bylaws). The Hearing Panel shall only include disinterested and impartial individuals as it relates to the matter of the complaint. If a Hearing Panel member disclosed a conflict or an alleged conflict is raised, review of the conflict and further action as a result of the conflict shall be determined via the process outlined in the Code of Ethics / Conflicts of Interest Policy. Once appointed, the members of the Hearing Panel shall be communicated to the parties in advance of the hearing in writing.
- c. If the Judicial Committee in full is serving as the Hearing Panel, the Chair of the Judicial Committee shall be the Chair of the Hearing Panel. In other cases, the Judicial Committee shall appoint a member of the Hearing Panel as a Chair of the Hearing Panel.
- d. The Hearing Panel will issue notice of charges or alleged violations, with specificity and in writing, and possible consequences if the charges or violations are found to be true. The notice shall be delivered to the respondent within 14 business days after receipt by USA Climbing, without just cause for delay. Reasonable time will be provided between receipt of notice of charges or violations and the Hearing with respect thereof, within which to prepare a defense. Reasonable time will be provided for the delivery of the answer to the filing party before the hearing. Identity of the witnesses that will appear at the Hearing shall be made known to all parties in advance of the Hearing.

- e. The Hearing Panel shall rule on all motions and other matters raised in the proceeding, including dismissal prior to Hearing. Grounds for dismissal include resolution of the grievance prior to the Hearing, lack of jurisdiction over the matter, lack of the authority or ability to remedy the complaint, failure to comply with the applicable statute of limitations, or providing inadequate information. If the complaint is not dismissed, the Hearing Panel shall hold a hearing on the complaint. The Hearing Panel shall set such timelines and other rules regarding the proceeding and the conduct of the Hearing as it deems necessary, including that the Hearing may be conducted on the basis of written (including electronic) submissions. The Hearing Panel shall inform all relevant parties of the hearings these matters prior to the hearing. All evidence is to be submitted to the Hearing Panel members electronically prior to the hearing, unless otherwise denoted by the Hearing Panel. The Hearing shall be informal.
- f. A written decision, with reasons therefore, based solely on the evidence of record, will be handed down in a timely fashion.

11) Enhanced Hearing Panel Proceedings.

At the specific written request of USA Climbing, or of a USA Climbing member who is party to a matter under Section 1, the Hearing Panel shall adhere to each of the following additional procedural requirements, to the extent applicable, that is specified in such request:

- a. Testimony shall be taken under oath.
- b. The Hearing shall be conducted in person (which, at the discretion of the Hearing Panel, may include by teleconference, if necessary or convenient to the parties) and occur at a time and place such that all parties are able to attend.
- c. Each party shall have the right to appear personally or through a legal representative.
- d. All parties shall be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to develop and present argument, with members of the Hearing Panel having the right to question witnesses or the parties to the proceeding at any time.
- e. 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.
- f. The Hearing must take place within a reasonable time, not to exceed 90 days after the last filing with USA Climbing, without just cause for delay.

Where a request for enhanced procedures has been made under this Section 11, the Judicial Committee may reconstitute the Hearing Panel to include Hearing Panel members with expertise to implement the

enhanced procedures, so long as the replacement Hearing Panel meets the standards set forth in Sections 10 (b) and (c) above.

12) 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, including where a Hearing Panel has been requested to follow enhanced procedures under Section 11 above, the Hearing Panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

13) Complaints Involving Selection to Participate in a Competition.

Where a complaint is filed involving selection of an individual to participate in a competition, the complainant shall include with the complaint a list of all other individuals, together with their contact information or a statement that the complainant is unaware of such contact information, who may be adversely affected by a decision rendered on the complaint. The respondent to the complaint shall also submit, upon request of the Judicial Committee or the Hearing Panel, a list of individuals, together with their contact information or a statement that the respondent is unaware of such contact information, who may be adversely affected by a decision rendered on the complaint. The Hearing Panel shall determine those individuals who must receive notice of the complaint. The Hearing Panel, or the Judicial Committee or USA Climbing CEO at the request of the Hearing Panel, shall then be responsible for providing appropriate notice to these individuals or may require the complainant to provide such notice. Any individual so notified then shall have the option to participate in the proceeding as a party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the Hearing Panel even though the individual chose not to participate as a party.

14) Decision.

A decision shall be determined by a majority of the Hearing Panel. Decisions by a Hearing Panel shall be in writing (which may include electronic communication) and distributed to the parties.

15) Arbitration.

Any party may appeal a decision of a Hearing Panel to the American Arbitration Association for binding arbitration. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew (de novo) or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the Hearing Panel to the arbitrator for the arbitrator's consideration. USA Climbing may not require an individual to exhaust other remedies before demanding arbitration.

16) No Retaliation; Anonymous Complaints.

Regardless of outcome, USA Climbing will support a complainant(s) and his or her right to express concerns in good faith. USA Climbing will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of USA Climbing's policies and grounds for disciplinary action. USA Climbing nonetheless recognizes that it can be difficult for an individual to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. Anonymous reports may be made, including by expressing concerns verbally or through an unsigned written submission to USA Climbing's Chief Executive Officer. Anonymous reporting may make it difficult for USA Climbing to investigate or properly address allegations.

#### 17) Additional Resources

The USOPC Office of the Athlete Ombuds is a resource to provide cost-free independent and confidential advice to elite and emerging athletes on all sports-related rules, policies and processes, and to assist in the resolution of athlete concerns and disputes. More information about the Athlete Ombuds can be found at [www.teamusa.org/athlete-ombuds](http://www.teamusa.org/athlete-ombuds).