

USABA Grievance, Complaint and Appeal Procedures

Section 1. Jurisdiction.

These Complaint Procedures are applicable to athletes, staff, coaches and volunteers taking part in United States Association of Blind Athletes (USABA) sponsored activities. The procedures also apply to USABA Sport Clubs, registered teams and organizations participating in USABA events or receiving benefits through their affiliation with USABA.

Section 2. Designation of Complaints.

The following kinds of complaints may be filed with USABA:

a. **Administrative Grievance.** Any aggrieved individual, team or club may file a complaint pertaining to any matter relating to the cognizance of USABA, including but not limited to any alleged violation of or grievance concerning any USABA rule, regulation or code of conduct.

b. **Right to Compete.** Any athlete, coach, trainer, manager, administrator, official, team or club with a current USABA membership may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individuals opportunity to compete in a USABA sponsored competition.

Section 3. Manner of Filing.

The complainant shall file the complaint with the USABA Executive Director. The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation, grievance, denial or threat to deny and (ii) the remedy requested. The complainant shall sign and date the complaint.

Section 4. 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, that may be adversely affected by a decision rendered on the complaint. The hearing panel shall determine which additional individuals must receive notice of the complaint. The complainant shall then be responsible for providing appropriate notice to these individuals. Any individual so notified then shall have the option to participate in the proceeding as an involved party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the hearing panel even if the individual chose not to participate as an involved party.

Section 5. Statute of Limitations.

A complaint filed under these Complaint Procedures shall be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

Section 6. 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 the procedures for, or the subject of, Administrative Grievances or Right to Compete 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.

Section 7. Hearing Panel.

Upon the filing of a complaint, the USABA Executive Director shall appoint a hearing panel consisting of three (3) individuals to hear the complaint. The Executive Director shall also appoint a chair of the hearing panel from among the three individuals appointed. At least one member of the hearing panel shall be the current athlete representative. The hearing panel shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner.

Section 8. Administration.

USABA’s main office shall generally administer and oversee all administrative grievances and right to compete matters filed with USABA.

Section 9. Conduct of the Proceeding.

The hearing panel shall rule on all motions and other matters raised in the proceeding. 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. The hearing shall be informal, except that testimony shall be taken under oath. The hearing may be conducted by teleconference, if necessary or convenient to the parties. Each party shall 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. 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.

Section 10. 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 USABA Executive Director 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

hearing panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

Section 11. Decision.

A decision shall be determined by a majority of the hearing panel. The hearing panel's decision shall be in writing, shall state the reasons for the decision, state any disciplinary actions taken and shall be distributed to the parties.

Section 12. Appeals.

Any athlete that filed a right to compete grievance under these procedures has the right to submit the hearing panel's decision to the American Association of Arbitration.