

U.S. Paralympics Snowboarding
ATHLETE SELECTION PROCEDURES
2022 World Para Snowboard Championships
October 8, 2021

1. SELECTION SYSTEM

1.1. Provide the minimum eligibility requirements for an athlete to be considered for selection to the Team:

1.1.1. Nationality/Passport requirements:

Athlete must be a citizen of the United States at the time of nomination and hold a valid U.S. passport that will not expire for six months after the conclusion of the competition.

1.1.2. Minimum International Federation (IF) standards for participation (if any):

- a. Each athlete must hold a current World Para Snowboard (WPSB) license for the 2021/2022 season.
- b. Have achieved race points in at least one race of the 2020/2021 or 2021/2022 season.
- c. An athlete must have a birth year of 2007 or earlier.
- d. Be internationally classified with either a 'Confirmed' sport class status or a 'Review 2022' sport class status or later.

1.1.3. Other requirements (if any):

1.1.4. Minimum NPC (U.S. Paralympics Snowboarding) standards for participation (if any):

- All athletes must be a United States of America Snowboard and Freeski Association (USASA) or U.S. Ski & Snowboard (USSS) member in good standing as of January 03, 2022 to be considered for nomination.
- Athletes age 18 or older will be required to undergo a background screen in accordance with the current USOPC Background Check Policy.
- Athletes age 18 or older will be required to complete the U.S. Center for SafeSport's online training.

- As a condition of participation, all participants will be required to be fully vaccinated against COVID-19 or have received an approved exemption in accordance with the USOPC's vaccine requirement. Participants must have submitted proof of full vaccination or have been granted a medical or religious exemption by January 3, 2022. More information on the USOPC's vaccine requirement and process for submitting required documentation can be found at <https://www.teamusa.org/Coronavirus/Vaccine-Requirement>.

1.2. Tryout Events:

1.2.1. Provide the event names, dates and locations of all trials, events and camps to be used as part of the selection process.

For all athletes: All World Para Snowboard World Cup, Europa Cup, NorAm and WPSB events between November 1, 2021 and January 03, 2022. The 2021-22 WPSB Snowboard Calendar can be found at:

<https://www.paralympic.org/snowboard/calendar-results>

1.2.2. Provide event names, dates, locations and description of how athletes qualify for the trials, events and camps listed above in 1.2.1. (if any).

WPSB level events are open to all athletes (no qualification is necessary).

Athletes are eligible for WPSB World Cup and Europa Cup competitions based on the WPSB World Ranking / Points List which is available at <https://www.paralympic.org/snowboard/rankings> and <https://www.paralympic.org/snowboard/rules-and-regulations>.

1.3. Provide a comprehensive, step-by-step description of the method that explains how athletes will go through the process to be selected to the Team.

Team Size: U.S. Paralympics Snowboarding aims to field a Team that will be internationally competitive at the 2022 WPSB Championships. No minimum or maximum Team size will be established. Athletes must meet all criteria outlined below to be selected to the World Championships Team. Upon nomination to the Team, specific funding levels will be addressed as noted in Attachment A.

- a. Team selection will be based off of the January 3, 2022 WPSB World Rankings list, found here: <http://www.paralympic.org/snowboard/rankings>

- b. All athletes, both men and women, must also meet the criteria as outlined in the 2022 World Para Snowboard Championships Qualification Guide:
https://www.paralympic.org/sites/default/files/2021-08/2021_08_02%20Lillehammer_2021_World%20Para%20Snow%20Sports_Championships_QC_v6.pdf
- c. Upper Limb (UL), Lower Limb 1 (LL-1), Lower Limb 2 (LL-2) athletes must meet the World Rankings for Snowboard-cross as specified below:
 - i. Women must be among the top four (4) U.S. athletes in the WPSB World Ranking in the respective sport class.
 - ii. Men must be among the top five (5) U.S. athletes in the WPSB World Ranking in the respective sport class.
 - iii. All athletes, both men and women, must also meet the WPSB World Cup criteria found here:
<https://www.paralympic.org/snowboard/rules-and-regulations>.
- d. U.S. Paralympics may, but is not required to, submit an application to the IPC/WPSB for one or more Bipartite slots. An application will only be submitted if the Discretionary Selection Committee recognizes there are athlete candidates not selected to the Team through 1.3.e who are capable of a top three (podium) result, who can positively impact team performance, or who are considered to be on track to produce a top three (podium) result in the near future. The Discretionary Selection Committee will apply for a slot based on the criteria set forth in Section 2. U.S. Paralympics will disclose on its website at <https://www.teamusa.org/usparasnowboarding> the submission of a particular athlete to the IPC/WPSB for a Bipartite slot.

If the IPC/WPSB awards a Bipartite slot to an athlete by name, U.S. Paralympics will accept such athlete to the team. U.S. Paralympics will disclose on its website at <https://www.teamusa.org/usparasnowboarding> the name of any athlete named to the team through this method.

2. DISCRETIONARY SELECTION (if applicable)

- 2.1. Provide rationale for utilizing discretionary selection (if any):

The purpose of discretionary selection is to allow U.S. Paralympics Snowboarding the ability to nominate the best physically, psychologically, and technically prepared athletes to the 2022 WPSB Championships Team

who are capable of a podium result, who can positively impact Team performance, or those who are considered to be on track to produce a podium result in future Paralympic competition and who are not captured through objective measures. The U.S. Paralympics Discretionary Selection Committee for Snowboard (Section 2.3) will evaluate and recommend athletes to be nominated to the Team via discretionary criteria, in order to field the strongest, most sound and medal-capable Team for the 2022 WPSB Championships.

2.2. List the discretionary criteria and explain how they will be used (if any):

The below factors will be considered (in no priority order):

- i. The athlete(s) experienced an injury or illness or there was another personal factor that impeded maximal performance or prevented the athlete from competing at the selection events.
- ii. The athlete was reclassified during the 2021 competition season and represents a potential medal in the new sport class.
- iii. The athlete(s) experienced equipment failure, weather, interference, or other external factors, either natural or caused by others, at the qualifying events, that impeded what otherwise likely would have been a qualifying result.
- iv. The athlete demonstrates a trend of improving performance in international competition, that when extended a reasonable distance into the future, intersects the current international performance standards for a top three (podium) finish.
- v. The athlete has the potential of a top three (podium) result.
- vi. The athlete can positively impact Team performance.

2.3. Provide the name of the committee that will be responsible for making discretionary selections, along with a complete list of the members' titles currently serving on the committee:

Discretionary Selection Committee for Snowboarding

Associate Director, U.S. Paralympics Sport Operations Alpine Skiing & Snowboarding

Director, U.S. Paralympics Internal NGBs

Athlete Representative

2.3.1. Specify the process that will be used to identify and handle any potential conflicts of interest involving a member of the committee

Any member of the selection committee that has a possible conflict of interest must disclose it. If such conflict exists, the selection committee

member must recuse him/herself from committee discussions and voting. Further, the committee member should not otherwise influence other members of the committee in the selection process. However, a committee member who recused him/herself, but who has relevant and necessary information with respect to athlete performance, for example a national team coach or high performance director, may, if requested by the selection committee, provide such information to the committee so long as such information is provided in a fair and unbiased manner and the committee member who declared the conflict of interest does not vote toward the final decision.

3. REMOVAL OF ATHLETES

- 3.1. Prior to submission by U.S. Paralympics to the WPSB and the World Championships Organizing Committee an athlete who is to be selected to the Team by U.S. Paralympics may be removed for any of the following reasons, as determined by U.S. Paralympics:
 - 3.1.1. Voluntary withdrawal. Athlete must submit a written letter to the Associate Director, U.S. Paralympics Sport Operations Snowboarding.
 - 3.1.2. Injury or illness as certified by a physician (or medical staff) approved by U.S. Paralympics. If an athlete refuses verification of his/her illness or injury by a physician (or medical staff) approved by U.S. Paralympics, his/her injury will be assumed to be disabling and he/she may be removed.
 - 3.1.3. Violation of the U.S. Paralympics Code of Conduct (Attachment B).
 - 3.1.4. Violation of the U.S. Anti-Doping Code or if the athlete is currently.
 - 3.1.5. Re-classification by the IPC/WPSB such that the athlete's qualifying performance would not have qualified him or her for the Team.
 - 3.1.6. Removal by the WPSB of the event in which the athlete qualified for the Team from the program of the 2022 WPSB Championships.

An athlete who is removed from the Team pursuant to this provision has the right to a hearing per the USOPC Complaint Procedures (Attachment C) and the USOPC's Bylaws, Section 9.

- 3.2. Once athlete entries have been submitted to the Local Organizing Committee by the USOPC, the USOPC has jurisdiction over the Team, at which time, in addition to any applicable NGB Code of Conduct, the

USOPC's Code of Conduct and Grievance Procedures apply. The USOPC's Code of Conduct and Grievance Procedures can be found at:

<http://www.teamusa.org/Footer/Legal/Governance-Documents>

- 3.3. An athlete may be removed as a nominee to the Team or from the Team for an adjudicated violation of IPC, WADA, IF, USADA and/or USOPC anti-doping protocol, policies and procedures, as well as the U.S. Center for SafeSport Code, the USOPC Athlete Safety Policy and USOPC's SafeSport policies, as applicable.

4. REPLACEMENT OF ATHLETES

- 4.1. Describe the selection and approval process for determining replacement athlete(s) should a vacancy occur:

- 4.1.1. Prior to submission of Entries by Name to the World Championships Organizing Committee:

No replacement of athletes will occur.

- 4.1.2. After submission of Entries by Name to the World Championships Organizing Committee:

No replacement of athletes will occur.

5. SUPPORTING DOCUMENTS

U.S. Paralympics Snowboarding will retain the approved Selection Procedures and all supporting documents, including scouting or evaluation forms, etc., and data from the selection process for six months past the date of the Closing Ceremonies of the 2022 WPSB Championships.

6. REQUIRED DOCUMENTS

- USOPC Code of Conduct for U.S. Paralympics National Teams and Paralympic Programs (Attachment B)
- USOPC Complaint Procedures for Procedures (Attachment C)

7. PUBLICITY/DISTRIBUTION OF PROCEDURES

The USOPC approved Selection Procedures (complete and unaltered) will be posted/published by U.S. Paralympics in the following locations:

- 7.1 U.S. Paralympics Snowboard website:
www.teamusa.org/usparasnowboarding

These procedures will be posted as soon as possible, but not more than five business days following notice of approval by the USOPC.

8. DATE OF NOMINATION

The Nomination of Athletes will be announced to all athletes on or before: January 03, 2022.

9. MANDATORY TRAINING AND/OR COMPETITION

No mandatory training will occur for athletes named to the 2022 WPSB Championships Team.

10. ANTI-DOPING REQUIREMENTS

Athletes must adhere to all IPC, WADA, USADA and USOPC anti-doping protocols, policies and procedures, as applicable. This includes participation in Out-of-Competition Testing as required by the IPC, WADA, USADA and USOPC Rules, as applicable.

11. DEVELOPMENT OF SELECTION PROCEDURES

The following committee/group (include names and titles) was responsible for creating these Selection Procedures:

Alex Tuttle - Head Coach, U.S. Paralympics Snowboarding Team
Jessica Smith - Assoc. Director, Para Alpine Skiing/Snowboard Sport Operations
Megan Harmon - Athlete Representative (Snowboarding)

12. NGB BYLAWS AND GRIEVANCE PROCEDURES

The USOPC Complaint Procedures for U.S. Paralympics National Teams and Paralympic Programs are included with this document as Attachment C.

13. INTERNATIONAL DISCLAIMER

These procedures are based on IPC, and/or World Para Snowboarding rules and regulations as presently known and understood. Any change in the selection procedures caused by a

change in IPC and/or WPSB rules and regulations will be distributed to the affected athletes immediately. The selection criteria are based on the latest information available to U.S. Paralympics. However, the selections are always subject to unforeseen, intervening circumstances, and realistically may not have accounted for every possible contingency.

If any force of nature, or force majeure, should cause the alteration or cancellation of any of the selection events listed in this document, these selection procedures will be revised, pursuant to their resubmission to the USOPC.

14. ATHLETE OMBUDSMAN

The Athlete Ombudsman provides cost-free, independent and confidential advice regarding athlete rights, grievance procedures and any other related guidance pertaining to selection procedures and can assist in mediating disputes between athletes and their NGB.

To contact the Athlete Ombudsman Office:




PHONE: (719) 866-5000

EMAIL: ombudsman@usathlete.org

WEBSITE: www.usathlete.org

15. NGB SIGNATURES

I certify that I have read and understand the standards/criteria set by our IF and/or CF (PAG/PPAG only) and incorporated those standards/criteria into our Selection Procedures. I further certify that the information provided herein regarding Athlete Selection Procedures represents the method approved by U.S. Paralympics Snowboarding.

Position	Print Name	Signature	Date
NGB President or CEO/Executive Director	Julie Dussliere		10/8/2021
Nat. Team Coach, Head Coach, or Nat. Program Director	Jessica Smith		10/8/2021
USOPC Athletes' Advisory Council Representative*	Megan Harmon		10/6/2021

* If the USOPC AAC Representative has delegated authority to the Alternate AAC Representative to sign the Selection Procedures, attach a letter from the AAC Representative indicating the reason he/she has delegated authority.

* Signature by the Athlete Representative constitutes that he/she has read and understands the Selection Procedures. If the Athlete Representative reads and does not agree with the Athlete Selection Procedures being submitted by the NGB, he/she may submit those reasons in writing to his/her Sport Performance Team.

* If, for some reason, a sport does not have an elected USOPC AAC Representative, the NGB must designate an athlete from that sport to review and sign the Selection Procedures.

ATTACHMENT A
U.S. PARALYMPICS SNOWBOARD
2022 WORLD CHAMPIONSHIPS TEAM FUNDING LEVELS

All levels of funding will be determined and conveyed to the athlete by the Associate Director, U.S. Paralympics Sport Operations Snowboarding and U.S. Paralympics Snowboarding Head Coach upon being named to the 2022 World Championships Team. Funding levels will correspond to the 2021-2022 U.S. Paralympics Snowboarding Athlete and Sport Program Plan criteria as well as the athlete's personal performance plan.
<https://www.teamusa.org/usparasnowboarding/athlete-and-sport-program>

ATTACHMENT B

**UNITED STATES OLYMPIC & PARALYMPIC COMMITTEE
CODE OF CONDUCT FOR
U.S. PARALYMPICS NATIONAL TEAMS
AND
U.S. PARALYMPICS PROGRAMS**

ATHLETE PLEDGE AND AGREEMENT

I pledge to uphold the spirit of this Code of Conduct (the “Code”), which offers a guide to my conduct as a member of a U.S. Paralympics National Team or a U.S. Paralympics Team to international competition (the “Team”). This Code applies to those Paralympic sports in which the United States Olympic & Paralympic Committee (USOPC) has not recognized a National Governing Body or a Paralympic Sport Organization to govern the sport. I acknowledge that I have a right to a hearing if my opportunity to compete is denied or if I am charged with a violation of this Code.

I have familiarized myself with the Code and understand that acceptance of its provisions is a condition of my membership on the Team. I understand that U.S. Paralympics staff is responsible for enforcement of this Code. If I have any questions regarding this Code, I can reach out to U.S. Paralympics staff at Paralympics.Secretary@usopc.org.

As a Member of the Team, I hereby promise and agree that I:

- will abide by all published rules related to the Team selection procedures as approved by U.S. Paralympics or the USOPC;
- have acted and will act in a sportsmanlike manner consistent with the spirit of fair play and responsible conduct;
- will maintain a level of fitness and competitive readiness that will permit my performance to be at the maximum of my abilities;
- will notify U.S. Paralympics if (i) I have a physical injury or illness that might compromise my ability to compete; (ii) will submit, if requested, to a physical/medical examination by medical personnel approved by the USOPC and authorize the submission of the physical examination/medical information to US Paralympics and the USOPC; and (iii) understand that such injury or illness may be the cause for my not being selected to the Team, being removed from the Team, or not being allowed to participate if I remain on the team.
- will comply with all aspects of the U.S. Center for SafeSport’s (the “Center”) SafeSport Code for the U.S. Olympic and Paralympic Movements (the “SafeSport Code”) and all other applicable athlete safety policies, procedures and protocols of the USOPC and the Center. Such policies include the USOPC Athlete Safety Policy and the Minor Athlete Abuse Prevention Policies;

- will not commit a doping violation as defined by the World Anti-Doping Agency (WADA), the United States Anti-Doping Agency (USADA), the International Paralympic Committee (IPC) or USOPC rules;
- am not currently provisionally suspended or serving a period of ineligibility for a doping violation and/or do not have a pending or unresolved doping charge;
- will immediately notify the USOPC at athlete.safety@uspoc.org if I have any (a) unresolved allegations of SafeSport Code violations, (b) participation restriction, safety plan(s), temporary measure(s) and/or sanction(s);
- will not engage in any conduct that is criminal under any laws applicable to me, including, but not limited to laws governing the possession and use of drugs and alcohol and providing of drugs to any person and of alcohol to minors; and I have the affirmative duty to disclose my criminal history to the USOPC. Failing to disclose, or intentionally misrepresenting, an arrest, plea, or conviction is grounds for disciplinary action regardless of when the offense is discovered or occurred;
- will not participate or assist in any gambling or betting activities associated with any event related to my sport or my participation;
- am eligible to compete under the rules of the IPC and its pertinent committees, and its pertinent member organizations and under the rules of the USOPC;
- am in possession of a valid U.S. passport, that will not expire prior to six months following the conclusion of any international competition, should I be chosen for an international team that requires a passport;
- will refrain from conduct detracting from my ability or that of my teammates to attain peak performance;
- will respect the property of others whether personal or public;
- will maintain a level of personal hygiene and cleanliness appropriate to respect my teammates;
- will respect members of my Team, other teams, spectators and officials, and engage in no form of discriminatory behavior nor in any form of verbal, physical or sexual harassment or abuse;
- will follow the Team rules, whether set by Team leadership or adopted by consensus, including by way of example, rules regarding curfew and required attendance at Team meetings;
- agree to wear the uniforms approved by U.S. Paralympics at official activities sponsored by the USOPC or U.S. Paralympics as directed by U.S. Paralympics staff, and I agree to compete in the U.S. Paralympics-approved Team uniform, where such a uniform is provided, in competitions at which I am supported by U.S. Paralympics. I agree to wear the names and logos of U.S. Paralympics sponsors, suppliers and licensees on Team competition wear, other uniforms and casual wear as provided by U.S. Paralympics. I agree to not alter any Team uniform, either by removing or

obstructing the names or logos of U.S. Paralympics sponsors, suppliers and licensees or by adding patches, stickers, or other means of displaying unauthorized names, logos or messages;

- agree to not demean or defame the USOPC, U.S. Paralympics or its sponsors, their names, logos, marks, products or services. I acknowledge that endorsing and supporting U.S. Paralympics sponsors through my actions and words reflects well on the team and on those supporting the team.
- agree to be filmed, videotaped and photographed, and to have my image and voice otherwise recorded, in any media, during any event I am attending under the auspices of the USOPC or U.S. Paralympics, by U.S. Paralympics official photographer(s), film crew(s) and video crew(s), and by any other entity authorized by U.S. Paralympics, under the conditions specified by U.S. Paralympics. I hereby grant U.S. Paralympics the irrevocable, perpetual, fully paid-up, worldwide right and license to use, and to authorize third parties to use, in all media, my name, picture, likeness, voice and biographical information for: (1) news and information purposes, (2) promotion of the Paralympic movement and the specific competition(s) in which I compete, (3) promotion of the Team, and (4) promotion of U.S. Paralympics and the USOPC ; in no event may U.S. Paralympics or the USOPC use or authorize the use of my name, picture, likeness, voice and biographical information for the purpose of trade, including any use in a manner that would imply an endorsement of any company, product, or service, without my written permission;
- will not use or authorize the use of photographs, films or videos of myself in my USOPC or Paralympic Team apparel or equipment or the use of any USOPC or U.S. Paralympics logo for the purpose of trade, promotion, fundraising or on merchandise, without the prior written consent of U.S. Paralympics;
- will abide by the rules of the IPC or other Paralympic international federation concerning allowable trademark identification on clothing and equipment worn or used in competition or on my body (such as visible tattoos).
- will be responsible for payment of all legal fees and expenses if I require legal representation because I am accused of a doping violation or criminal misconduct, or if for any other reason I require the services of an attorney;
- will act in a way that will bring respect and honor to myself, my teammates, the Team, U.S. Paralympics, the USOPC, and the United States; and
- will remember that at all times I am an ambassador for my sport, my country and the Paralympic Movement.

ATHLETE OMBUDSMAN

I may contact the USOPC Athlete Ombudsman, at 719.866.5000 or ombudsman@usathlete.org for further information regarding my rights under this Code that are not answered by U.S. Paralympics.

PARTICIPANT AFFIRMATION

I have read and accept this Code of Conduct. I agree to the rules, guidelines, jurisdiction and procedures stated in these documents as a condition of being a member of the Team.

Signature Date

Name (Print)

PARENT/GUARDIAN CERTIFICATION
(For Participants Under the Age of 18 as of Date of Signature)

I certify that I, as parent/guardian with legal responsibility for this participant, have read and accept this Code of Conduct and, on behalf of my minor participant, agree to the rules, guidelines, jurisdiction and procedures stated in these documents as a condition of being a member of the Team.

Signature Date

Name (Print)

Relationship (Parent or Guardian)

ATTACHMENT C

U.S. Paralympics COMPLAINT PROCEDURES January 1, 2020

ARTICLE I. ADMINISTRATION OF COMPLAINTS

Section 1. Types of Complaints.

U.S. Paralympics has the authority to hear and render decisions on the following types of complaints:

- a. Administrative Grievances. Any alleged violation of or grievance concerning: any U.S. Paralympics rule, regulation, or any U.S. Paralympics program or service;
- b. Opportunity to Participate Complaints. Any alleged denial, or alleged threat of denial, of an athlete, coach, trainer, manager, administrator or official's opportunity to participate in competition or activity authorized or organized by U.S. Paralympics;
- c. Disciplinary Actions. Any alleged violation of U.S. Paralympics Code of Conduct, or any other rule or regulation relating to conduct, other than alleged violations of the U.S. Center for SafeSport's ("USCSS") SafeSport Code.

Complaints must be filed pursuant to the specific procedures set forth for each type of complaint and on the form provided by U.S. Paralympics.

Section 2. USOPC Dispute Resolution Unit.

The United States Olympic & Paralympic Committee's ("USOPC") Dispute Resolution Unit ("DRU") will generally administer and oversee all complaints. The DRU will be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. Respondents will be afforded basic due process rights as described in the procedures below. The DRU may promulgate procedures in addition to those set forth in these Complaint Procedures for the effective administration of reports or complaints filed with or referred to U.S. Paralympics.

The DRU will be responsible for determining if a complaint filed with the DRU (1) was properly filed; (2) satisfies the minimum requirements for that type of complaint; (3) should be redesignated as a different type of complaint; and (4) if the applicable filing fee has been submitted. If the DRU determines that a complaint was not filed properly or failed to satisfy the minimum requirements for such complaints, then the DRU will provide the parties the opportunity to remedy the deficiencies and re-file. When making this initial determination of the propriety of filing and the adequacy of the complaint, the DRU may not make any decisions or judgments based on the merits of the complaint, nor may the DRU make any determination that the complaint was frivolous. If the DRU determines that a complaint was filed using the improper designation (e.g., an opportunity to participate complaint was filed as an administrative grievance), then the DRU will notify the parties of the mis-designation and treat it according to the proper designation. If any deficiencies in the filing are

identified as a result of the re-designation, then the DRU will provide the parties the opportunity to remedy the deficiencies and re-file.

ARTICLE II. GENERAL HEARING PROCEDURES

Section 1. Hearing Panel Appointment.

Upon the filing of a complaint, the DRU will appoint a Hearing Panel consisting of three (3) disinterested individuals to hear the complaint. The DRU will also appoint a chair of the Hearing Panel from the three individuals selected. At least one (1) member of the Hearing Panel will be an Athlete Representative. An Athlete Representative must have (1) within the ten (10) years preceding election, represented the United States in the Olympic, Pan American, Paralympic, or Parapan American Games, World Championships, event designated as an Operation Gold event, or, in a team sport, an international championship recognized by the International Federation of the sport; or (2) within the twenty-four (24) months preceding election demonstrated that they are actively engaged in amateur athletic competition by finishing in the top half of U.S. Paralympics national championships or, in a team sport, have been a member of U.S. Paralympics national team. Members of the panel need not be involved in the respective sport.

The complaining party or responding party may object to the appointment of any member of the Hearing Panel on the grounds of bias, conflict of interest, or such other grounds on which the party believes the panel member should be disqualified. The objection, along with relevant information, will be provided to the USOPC Ethics Officer to review any potential grounds for disqualification. The USOPC Ethics Officer will timely render a determination of whether the appointed panel member should be disqualified, and, if the panel member is disqualified, a replacement panel member will be appointed promptly.

Section 2. Notice of the Complaint.

Upon the filing of a complaint, the chair of the DRU will provide acknowledgement of receipt of the complaint to the complainant.

Upon determining that the complaint was properly filed and satisfied the minimum requirements of a complaint of the type asserted, the DRU will promptly provide written notice to the respondent that a complaint against him or her has been received, along with a copy of the complaint. The notice will include an explanation of the allegations or charges made against the respondent, the respondent's opportunity to provide a response, any potential consequences if applicable and the right to have a representative present and provide assistance throughout the proceedings. For cases involving the opportunity to participate, written notice will be provided to all known affected parties.

Section 3. Right to a Representative

Any party to a proceeding under these Complaint Procedures has the right to have a representative present during such proceedings at his or her own expense.

Section 4. Conduct of the Proceedings.

The Hearing Panel will rule on all motions and other matters raised in the proceeding.

A respondent may file a motion to dismiss a complaint against him or her on if:

- (a) the complaint was filed after the applicable statute of limitations for such complaints has expired; or
- (b) the complaint fails to allege any conduct that could be construed as constituting a violation of any applicable rule, policy, or procedure of U.S. Paralympics.

If the complaint is not dismissed, the Hearing Panel will hold a hearing on the complaint. The Hearing Panel will provide to all parties a schedule for the proceeding. The Hearing Panel also will set such other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

In advance of the hearing, the parties may exchange a list of anticipated witnesses, with a brief description of their expected testimony, and any exhibits that the parties anticipate using at the hearing.

The hearing will be informal, except that testimony will be taken under oath. The hearing may be conducted by teleconference or videoconference, if necessary or convenient to the parties. Each party will have the right to appear personally or through a representative.

The Hearing Panel will be required to determine whether, based on the evidence presented, the party seeking relief has proven its entitlement to relief by a preponderance of the evidence.

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 will be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript will be paid for by the party requesting the transcript.

Section 5. Written Decisions.

A decision will be determined by a majority of the Hearing Panel. The Hearing Panel's decision will be in writing and distributed to the parties promptly following the close of the hearing.

Section 6. Statute of Limitations.

All complaints must be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

Section 7. Informal Resolution/Mediation.

For all reports and complaints, U.S. Paralympics may attempt to informally resolve the dispute at any time. An informal resolution will be in writing and will be considered a final disposition of the matter.

For any report involving allegations of violations of U.S. Paralympics Code of Conduct that is resolved informally, U.S. Paralympics will notify the reporting party that the matter has been

resolved. U.S. Paralympics may, but is not required to, provide the reporting party with the details of the resolution. If an informal resolution is reached and the matter is final, the reporting party cannot pursue the complaint further.

Section 8. Due Process.

The parties will be afforded basic due process rights, including, but not limited to, the following:

- a) each party will have the right to appear personally or through a representative.
- b) Respondents will receive written notice of any alleged violation or complaint against them, along with an explanation of the potential consequences.
- c) Respondents will be given a reasonable time before a hearing in which to prepare a defense.
- d) The Hearing Panel will hold the hearing in a prompt and timely manner. The Hearing Panel will use best efforts to hold the hearing within thirty (30) days of receipt of the complaint, and to issue its written decision within fifteen (15) days thereafter.
- e) All parties will be given a reasonable opportunity to present and examine evidence, cross-examine witnesses and to present argument.
- f) Members of the Hearing Panel will have the right to question witnesses or the parties to the proceeding at any time.
- g) All parties will receive a written decision from the Hearing Panel, which will include notice of the applicable appeal procedures.

Section 9. 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 DRU 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 10. Interim Measures.

In the case of Disciplinary Actions, prior to the matter being heard on the merits, it may be necessary to implement interim measures against the respondent in the following circumstances: (i) to ensure the safety or well-being of others, or (ii) where an allegation is sufficiently serious. Where either such circumstance exists, U.S. Paralympics may immediately implement interim measures to protect others, provided the respondent is afforded an opportunity for a provisional hearing within a reasonable amount time, including allowing to request expedited procedures if it affects an individual's opportunity to participate. The provisional hearing is not a full hearing on the merits. The sole issue before the Hearing Panel is whether there is reasonable cause to impose an interim measure. Interim measures may include, but are not limited to, altering training schedules, providing chaperones, limiting contact, removal from the venue and suspensions. The respondent will still be afforded with a hearing on the merits in a timely manner thereafter.

ARTICLE III. ADMINISTRATIVE GRIEVANCES

Section 1.

Jurisdiction.

Any individual subject to the rules and regulations of U.S. Paralympics, as evidenced through signing any U.S. Paralympics agreement or Code of Conduct, may file an administrative grievance and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

Section 2.

Filing Requirements.

- a. Manner of Filing. A complainant will file an Administrative Grievance Complaint with the DRU at DRU@usopc.org using the form provided by U.S. Paralympics.
- b. Requirements For Complaint. The complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation or grievance; (ii) the identity of the rule, regulation, policy, or other U.S. Paralympics requirement alleged to have been violated; (iii) the identity of any parties claimed to have been aggrieved by the violation; (iv) the identity of any parties claimed to have been involved in or to have caused the alleged violation or grievance; and (v) the remedy requested. The complainant will sign the complaint and provide his or her current contact information on the form, including a preferred email address.
- c. Filing Fee. A filing fee of \$100 must be submitted with any administrative grievance filed with the DRU. The filing fee may be waived by the DRU for individual complainants upon a showing of hardship or other good cause.

Section 3. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures.

Section 4. Appeal

A party not satisfied with the decision may appeal the decision to the American Arbitration Association (AAA) pursuant to the Commercial Rules of Arbitration for a final and binding decision. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter.

ARTICLE IV. OPPORTUNITY TO PARTICIPATE COMPLAINTS

Section 1. Jurisdiction.

Any athlete, coach, trainer, manager, administrator or other official participating in, or believes should participate in, any competition or activity authorized or organized by U.S. Paralympics may

file an opportunity to participate complaint and agrees to be subject to these Complaint Procedures and to be bound by any decision rendered pursuant to these Complaint Procedures.

Section 2. Filing Requirements.

- a. Manner of Filing. A complainant will file an Opportunity to Participate Complaint with the DRU at DRU@usopc.org on the form provided by the U.S. Paralympics.
- b. Requirements For Complaint. The complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the grievance, violation, or conduct that impacts or could impact the individual's opportunity to participate; (ii) the identity of the respondent and any affected parties; (iii) the particular competition, event, or activity in which the individual's or affected parties' participation could be impacted; and (iv) the remedy requested. The complainant will sign the complaint and provide his or her current contact information in the signature block, including a preferred email address.
- c. Filing Fee. A filing fee of \$100 must be submitted with any opportunity to participate complaint filed with the DRU. The filing fee may be waived by the DRU for individual complainants upon a showing of hardship or other good cause.

Section 3. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures. In addition, all affected athletes will be treated as parties to the case, and will be provided an opportunity to participate in the hearing.

Section 4. No Exhaustion Requirement for Complaints Involving a Protected Competition

If the competition in question is a protected competition, as defined in Section 1.3 of the USOPC Bylaws, an individual is not required to exhaust internal remedies and first go through U.S. Paralympics Complaint Procedures and may proceed directly through the process set forth in Section 9 of the USOPC Bylaws.

Section 5. Appeal.

If a complainant is not satisfied with a decision rendered under these Complaint Procedures, and the competition involves a protected competition, the individual may file a complaint with the USOPC under Section 9 of the USOPC Bylaws. After the filing of a Section 9 complaint with the USOPC, or simultaneously thereto, the individual may file a demand for arbitration with the AAA pursuant to the AAA's Commercial Arbitration Rules. The AAA's decision will be a final and binding decision.

For all other competitions, the complainant may appeal a decision of the Hearing Panel to the AAA pursuant to the AAA's Commercial Arbitration Rules for a final and binding decision. The arbitrator appointed by the AAA will have the authority to hear the matter anew or, if requested by a party, to render a decision based on a more limited scope of review of the matter. Either party may submit the decision of the Hearing Panel to the arbitrator for the arbitrator's consideration.

ARTICLE V. DISCIPLINARY ACTIONS

Section 1. Jurisdiction.

Any individual may file a report against any other individual of the Paralympic sport who has signed and agreed to abide by the U.S. Paralympics Code of Conduct while the action occurred, for alleged violations of U.S. Paralympics Code of Conduct or any other rule or regulation relating to conduct.

Section 2. Reporting.

- a. Reporting to U.S. Paralympics. Any individual may report alleged misconduct to U.S. Paralympics. Individuals may report alleged misconduct either verbally or in writing to the U.S. Paralympics. In a report, the individual is encouraged, but not required, to provide the following information: (i) the identity of the individual or individuals alleged to have violated the U.S. Paralympics Code of Conduct, other rule or regulation related to Conduct; (ii) details regarding the complained of misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; and (iii) the reporting or complaining party's contact information, including a preferred email address, unless the report or complaint was made anonymously.

U.S. Paralympics may also pursue a possible violation of the Code of Conduct based on information received other than by a report described here.

- b. Anonymous Reporting. All reports can be made anonymously.

Section 3. Filing Fee.

There will be no filing fee associated with the filing of a report or complaint of alleged violations of U.S. Paralympics Code of Conduct or other rule or regulation related to conduct.

Section 4. Interim Measures.

U.S. Paralympics may impose interim measures at any time pursuant to Article II Section 10.

Section 5. Preliminary Inquiry/Investigation.

Upon receipt of a report of an alleged violation of U.S. Paralympics Code of Conduct or other rule or regulation related to conduct, U.S. Paralympics will promptly undertake a preliminary inquiry into the matter and gather any relevant information it can regarding the alleged misconduct.

If U.S. Paralympics determines that a formal investigation is required before proceeding with the case, then U.S. Paralympics will conduct, or direct to be conducted, an unbiased and impartial investigation of the report and prepare an investigative report that provides a comprehensive description of the investigator's findings.

Section 6. Informal Resolution

At any time prior to a final decision, the U.S. Paralympics has the authority to reach an informal resolution of any matter. An informal resolution is a final decision and will not be appealable. U.S. Paralympics will notify the reporting party, if any, that an informal resolution has been reached. U.S. Paralympics may, but is not required to, provide the reporting party with the details of the resolution. If an informal resolution is reached and the matter is final, the reporting party cannot pursue the complaint further.

Section 7. Party Responsible For Pursuit Of Case.

- a. U.S. Paralympics Pursues Case. After review of the initial report, any preliminary information gathered, and the investigative report (if one has been issued), U.S. Paralympics may initiate a complaint by filing a complaint with the DRU and requesting that a hearing on the complaint be conducted. Unless U.S. Paralympics, either through the preliminary inquiry and/or investigative report, determines with certainty that there is no basis to the report, or if an informal resolution has not been reached, U.S. Paralympics will pursue a complaint based on the reported misconduct. U.S. Paralympics will notify the reporting party that the NGB is pursuing the complaint.

- b. U.S. Paralympics Declines the Case.
 - i. If U.S. Paralympics declines to file a complaint on behalf of U.S. Paralympics based on the preliminary inquiry and/or investigative report or other reasons, then U.S. Paralympics must advise the reporting party (if the report was not made anonymously) that, while U.S. Paralympics will not initiate a complaint in its own name, the reporting party may still file his/her complaint directly with the DRU.

 - ii. If the reporting party elects to file a complaint with the DRU , then the reporting party is responsible for all aspects of pursuing the case that otherwise would have been the responsibility of U.S. Paralympics.

 - iii. The reporting party who elects to move the case forward will be provided with any relevant information collected by the U.S. Paralympics.

Section 8. Filing Requirements.

- a. Manner of Filing. A complainant (either U.S. Paralympics, or the reporting party only if U.S. Paralympics declines to pursue the case) will file a Disciplinary Action Complaint with the DRU at DRU@usopc.org.

- b. Requirements for Disciplinary Action Complaints. The Disciplinary Action Complaint will set forth in clear and concise language, preferably in numbered paragraphs: (i) the identity of the individual or individuals alleged to have violated

U.S. Paralympics Code of Conduct or other rule or regulation related to conduct; (ii) details regarding the misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; (iii) the initial report of the alleged misconduct; (iv) any relevant information gathered from any preliminary inquiry or investigation conducted by U.S. Paralympics or third parties, including any investigative report; and (v) if U.S. Paralympics is the complainant, the reporting party's contact information, including a preferred email address, if known.

- c. Filing Fee. There will be no filing fee associated with Disciplinary Actions.

Section 9. Hearing.

The hearing will be conducted in accordance with Article II of these Complaint Procedures. However, minors will not be required to submit to cross-examination by the respondent or the respondent's representative, and may instead be examined by the members of the Hearing Panel, including based on written questions submitted by the respondent and/or respondent's representative.

Section 10. Appeal.

A party may appeal the Hearing Panel's decision to the AAA pursuant to the AAA's Commercial Arbitration Rules for a final and binding decision. If the Hearing Panel's decision affects a party's opportunity to participate in a protected competition as defined in Section 1.3 of the USOPC Bylaws, then the party may proceed through the process set forth in Section 9 of the USOPC Bylaws.

ARTICLE VI. EXCLUDED PROCEEDINGS

Section 1. Scope of Jurisdiction.

The jurisdiction of these proceedings is limited as follows:

- a. Anti-Doping Violations. 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) will not be reviewable through, or the subject of, these complaint procedures.
- b. SafeSport Decisions. A decision concerning a SafeSport Code violation adjudicated by the independent safe-sport organization designated by the USOPC (currently the USCSS) will not be reviewable through, or the subject of, these complaint procedures.
- c. USOPC Athlete Safety Policy Reports/Complaints. A report and/or complaint submitted pursuant to the USOPC Athlete Safety Policy regarding allegations of the SafeSport Code to which the USCSS declines jurisdiction over, will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the USOPC Athlete Safety Policy.

- d. USOPC Background Check Review. Any review of a self-disclosure or red-light finding of a criminal record that was completed pursuant to the USOPC Background Check Policy, will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the USOPC Background Check Policy.
- e. 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) will not be reviewable through, or the subject of these complaint procedures 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” will include any individual with discretion to make field of play decisions.
- f. Classification Matters. All classification matters, disputes, and appeals will not be reviewable through, or the subject of, these complaint procedures, and will be conducted in accordance with the classification rules and procedures of the International Federation and/or the International Paralympic Committee (for international dispute matters) or the U.S. Paralympics National Classification Policies & Procedures (for national dispute matters).

ARTICLE VII. OTHER MATTERS

Section 1. No Retaliation.

Neither U.S. Paralympics nor any U.S. Paralympics member, employee, coach, referee/official or board member will retaliate against an individual for the filing of a complaint or report under these Complaint Procedures. It will constitute a violation of U.S. Paralympics rules and grounds for discipline to retaliate against any individual for the filing of a complaint.

Section 2. Office of the Athlete Ombuds

The Office of the Athlete Ombuds offers cost-free, confidential, independent advice to athletes regarding grievance processes and assists athletes in resolving disputes or concerns. For advice or assistance, athletes may contact the Office at (719) 866-5000, ombudsman@usathlete.org, or www.usathlete.org.