

USA SHOOTING POLICIES AND PROCEDURES

INTERNAL GRIEVANCE AND ARBITRATION

A. INTERNAL GRIEVANCE PROCEDURES

1. **Opportunity to participate.** Neither the corporation nor any member of USA Shooting (USAS) may deny or threaten to deny an amateur athlete the opportunity to compete in the Olympic Games, Pan American Games, World Shooting Championships or to other such protected competitions as defined in the United States Olympic Committee (USOC) Constitution from time to time; nor may the corporation, nor any such member of USA Shooting, subsequent to such competition, censure or otherwise penalize any such athlete who participates in such competitions. Any amateur athlete who alleges such denial by the corporation, or a member of the corporation, a right established in this Section, shall immediately inform the President of the Board, who shall cause an investigation to be made and steps to be taken to settle the controversy without delay. Notwithstanding any efforts taken by the President to settle the controversy, the athlete may refer the matter promptly to the Executive Director of the USOC for action under Article IX of the USOC Constitution if such Article applies. The rights granted to athletes under this Section of this Chapter shall apply equally to any coach, trainer, manager, administrator, or other official seeking to participate in the conduct of any of the international amateur athletic competitions designated or referred to in this Section.
2. **Filing.** Any member of the corporation may file a written grievance in the form of a Complaint with the Secretary pertaining to any matter within the cognizance of the corporation and alleging a violation of any provision of these Bylaws, the Amateur Sports Act of 1978, or the United States Olympic Committee Constitution and Bylaws. At the time of filing, a copy of the Complaint shall be sent to the Executive Director.
3. **Fair Notice.** Fair notice and an opportunity for a hearing shall be accorded to any amateur athlete, coach, trainer, manager, administrator, or official named as a respondent, under the provision of this Chapter before the corporation declares such individual ineligible to participate in any competition is so scheduled that an expedited proceeding is necessary.
4. **Form.** Any grievance shall be signed under oath and shall allege with particularity the nature of the grievance and/or each claimed violation of the aforementioned documents by reference to specific section thereof, stating in concise language how, when, and where the alleged violation occurred. The factual allegations shall be set forth in numbered paragraphs, each paragraph containing a single factual allegation. A statement of specific remedies sought shall be included with any grievance.

5. Grievance Process and Procedures

a. **Grievance Panel.** In the fall of the Summer Olympics year the President of the Board will appoint a Grievance Panel of eighteen (18) individuals, all of who are members of this corporation. They shall not be employees of USA Shooting or members of the Board of Directors. Investigators will be selected as defined in this subsection. This panel shall include not less than eight (8) "active athletes" as defined in Chapter II that will represent a broad cross section of athletes. The President shall also appoint one of the eighteen (18) members of the Panel to be the Chair. The corporation shall provide counsel to the Grievance Panel, who shall assist the Panel in the administration of this grievance procedure, including the creation of a standard set of procedures for the conduct of grievance hearing.

b. **The Investigator.** Upon receipt of a grievance or complaint, one of the panel members shall be assigned by the Executive Director of the corporation as the investigator for that case. The investigator shall not to be involved in the conduct, which is the subject of the Complaint, any relation to the Complainant, or member of an organization (other than this corporation) which is involved in the Complaint.

c. **The Investigation.** The investigation of the Complaint shall at least include a collection of all relevant documents and interviews (when practical) with the Complainant, the Adverse Party and other persons having information related directly to the subject matter of the Complaint. The investigation shall be completed within thirty (30) calendar days of the appointment of the investigator.

d. **Mediation of the Complaint.** Within fifteen (15) calendar days of the end of the investigation, the Investigator shall present a written report of the investigation and recommendation as to the appropriate disposition of the complaint. Without being limited to that recommendation, the Executive Director may then attempt to mediate the dispute to the satisfaction of the Parties. If mediation is successful, the agreed upon resolution must be recorded by the Executive Director in a form which includes written acknowledgment to the Parties of the resolution and copies of which are sent to the President of the Board of Directors and the AAC Representative.

e. **Hearing Panel.** If the Executive Director is unable to mediate the dispute to the satisfaction of the Parties within ten (10) calendar days of the receipt of the investigator's report, the Executive Director will notify the Chair of the Grievance Panel to appoint five (5) members of that Panel to serve as the group which will hear the grievance (the "Hearing Panel"). These appointments shall be subject to the following:

- (1) The Chair of the Grievance Panel may appoint him/herself to the Hearing Panel.

- (2) The appointment of the five (5) member hearing Panel will include at least one woman.
- (3) The Hearing Panel must include two (2) athletes.
- (4) A Chair of the Panel will be designated.

f. **The Hearing.** The Hearing Panel shall convene within thirty (30) calendar days to hear evidence, make findings of fact, and adjudicate the issues raised. All interested Parties shall have the right to counsel, present evidence in support or in opposition to the grievance, to examine and cross-examine witnesses, and to present such factual or legal claims as will support their positions. The Hearing Panel will make a summarized record of the proceedings. The rules of evidence shall not be strictly enforced and the burdens of proof and of going forward shall be on the complainant. The Hearing Panel shall expeditiously conduct its hearing and report its findings of fact and decisions of the Panel to the Board of Directors and all interested Parties. The Panel can render decisions of probation or suspension for a specified period of time or order such relief as it deems appropriate (e.g. letter of apology or restitution including payment for damaged equipment), but may not impose monetary fines as part of its penalty. The decision of the Hearing Panel shall be final and binding on all parties, except to the extent that decision is modified on appeal.

g. **Appeal.** Appeal from a decision of the Hearing Panel may be taken by any Party, including the corporation, to the Executive Committee of the Board by written notice filed with the Executive Director through the Corporation's headquarters, within fifteen (15) calendar days of receipt of the decision of the Hearing Panel. The notice for appeal must set forth the basis for appeal. The Executive Director will forward copies of the notice of appeal to the other Parties, all of whom shall have the right of appeal to the Executive Director within fifteen (15) calendar days of receipt of the notice of appeal. The Executive Committee shall render a written decision with respect to the appeal within thirty (30) calendar days of receipt of notice and responses. A decision of the Executive Committee with respect to an appeal shall be final and binding on all Parties.

h. **Expedited procedure.** If the Complainant challenges a rule or decision affecting eligibility to participate in an international event or an event sanctioned by or conducted by the corporation, and where it is clearly demonstrated that established grievance procedures will preclude participation in a scheduled competition to which the Complainant had been or would have been entered, the Complainant may, as part of his/her written complaint, request that the complaint be referred immediately to a Hearing Panel which will convene and render a decision within ten (10) days. If a decision on the complaint cannot be rendered prior to the time of a competition to which the Complainant had been previously scheduled to attend, the Complainant will be permitted to compete in that competition. In response to such a request, within 24 hours the Executive Director will:

(1) Send to the Complainant a notice acknowledgment receipt of the Complaint.

(2) Send to any Adverse party a notice of the filing of the complaint, where no notice be sent if the Adverse Party is the corporation. The notice should include a copy of the Complaint.

(3) Notify the chairman of the Grievance Panel.

6. **General.** All notices, reports and decisions under this Section shall be made in writing and delivered in person by registered or certified mail, or other form of delivery creating a record of receipt. Participation in grievance procedures shall be deemed to constitute agreement to be bound by the provisions of this Section and decisions rendered in accordance therewith.

B. ARBITRATION

The corporation shall submit to binding arbitration conducted under the auspices of the American Arbitration Association in accordance with its commercial rules then pertaining: (i) any controversy involving its recognition as a national governing body for the sport of shooting, as provided for in the Constitution and Bylaws of the USOC and Section 205 of the Amateur Sports Act of 1978 (P.L.95-606), or (ii) any controversy involving the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official to participate in amateur athletic competition in the sport of shooting, as provided for in the Constitution and Bylaws of the USOC.