

## **DISPUTE RESOLUTION PROCESS FOR NGB COVID-19 MITIGATION PLAN**

All Participants must agree to and be bound by the OC COVID-19 Mitigation Plan as a condition of participation in the Trials. When a Participant fails to abide by a requirement of the COVID-19 Mitigation Plan, the following dispute resolution process will provide Participants with an opportunity for a hearing before the USOPC Trials Administrative Board (TAB).

### **A. Mitigation Plan Enforcement**

The COVID-19 Officer, or their designees, will enforce the OC's/NGB's COVID-19 Mitigation Plan at the Trials. The OC may learn of an alleged violation of the COVID-19 Mitigation Plan by any means, including allowing Participants to report suspected violations.

### **B. Sanctions**

The COVID-19 Officer, or their designees, may impose sanctions on Participants for violations of the COVID-19 Mitigation Plan, ranging from a warning to being barred from participating in the Trials. The Participant will be permitted to share explanatory or other relevant information related to the violation. The COVID-19 Officer will notify the Participant if they are being barred from participating in the Trials.

### **C. Request for Hearing**

If a Participant (athlete or non-athlete) is barred from participating in the Trials, the Participant may request a hearing in front of the Trials Administrative Board (TAB). This request must be made within 90 minutes of the removal.

### **D. USOPC Dispute Resolution Unit**

See USOPC document on the Dispute Resolution Unit and the process.

If a Participant requests a hearing, the OC/NGB will immediately contact the USOPC Dispute Resolution panel (DRU) to initiate the proceeding at [dru@usopc.org](mailto:dru@usopc.org).

DRU is responsible for ensuring that all disputes are heard in an expedited, fair, and impartial manner within 4-6 hours or sooner. DRU may modify these procedures at any time for the effective administration of complaints taking into consideration any time constraints, while also ensuring fairness to all parties.

An attorney from DRU will serve as an impartial counsel to the TAB solely to answer questions and provide legal assistance when requested, and will not in any way take part in rendering the decision or influencing the TAB.

### **E. Trials Administrative Board**

DRU will convene the TAB to hear and render a decision on the dispute.

The TAB is comprised of the following individuals:

1. USOPC Board Chair
2. USOPC CEO
3. National Governing Body Council (NGBC) Chair
4. Athletes' Advisory Council (AAC) Chair
5. 10 Year+ Athlete (designated position from the Chef de Mission)

Any member of the TAB may designate to an alternate. No member on the TAB will have a direct interest, either personally or by virtue of organizational affiliation, in the outcome of the proceeding. As long as a quorum of the panel members is present, the hearing may proceed.

The USOPC Board Chair, or their designee, will be chair of the panel.

#### **F. Initiation of the Proceeding**

DRU will immediately provide confirmation of the request for hearing to the NGB and the Participant. DRU will provide details about the proceeding to the NGB and the Participant, including information about the date, time, and call-in details for the hearing.

#### **G. Conduct of the Proceeding**

The TAB will run the proceeding, with assistance from DRU. The proceeding will be held telephonically or through videoconference on an expedited basis.

The TAB has the authority to rule on all matters raised in the proceeding, and will set such other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

The NGB/OC and the Participant will be permitted to present evidence relating to the violation of the COVID-19 Mitigation Plan. The TAB may ask questions at any time.

#### **H. Decision**

The TAB will render a written decision promptly after the hearing, and a verbal or operative decision may be rendered on an expedited basis. The decision will be determined by a majority of the TAB.

The TAB has the authority to impose any consequence, including the decision to uphold the bar on participation in the Trials Event. The consequence will be in effect immediately after a decision is made, unless stated otherwise.

#### **I. Medical Expert**

Upon the request of the TAB, a medical expert may serve as an advisor to the TAB.

#### **J. Representative**

The NGB and Participant have the right to have counsel or a representative present at any point during these proceedings at their own expense.

***Office of the Athlete Ombuds***

The Office of the Athlete Ombuds is available to provide independent and confidential advice to athletes regarding their rights under these Rules and each Trials' COVID-19 Mitigation Plan and to assist in the resolution of athlete concerns and disputes. Athletes may contact the Athlete Ombuds at: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org) or 719-866-5000 or visit their website at [www.usathlete.org](http://www.usathlete.org) for more information and resources.