

USA Gymnastics

**ADMINISTRATIVE
& ETHICAL
GRIEVANCE
PROCEDURES**





ADMINISTRATIVE & ETHICAL GRIEVANCE PROCEDURES

Effective Date: June 2021

1. A complaint may be filed with USA Gymnastics (“USAG” or “the Corporation”) under these Procedures by USAG or a USAG member, or the parent or legal guardian for a minor USAG minor member, for an alleged violation, or a need for the interpretation or enforcement, of one or more of the following:
 - a. Administrative Matters:
 - (i) Any provision of USAG’s Articles of Incorporation or its Bylaws;
 - (ii) Any of USAG’s rules, regulations, policies or procedures that do not pertain to the USAG Safe Sport Policy or the Opportunity to Participate; or
 - (iii) Any provision of the United States Olympic & Paralympic Committee’s (“USOPC”) Bylaws, the Ted Stevens Olympic and Amateur Sports Act (the “Ted Stevens Act”) or the Empowering Olympic, Paralympic and Amateur Athletes Act of 2020.
 - b. Code of Ethical Conduct. Violations of the USAG Code of Ethical Conduct that do not pertain to the USAG Safe Sport Policy or the Opportunity to Participate.
2. Interaction with USAG Safe Sport and the Center. These Procedures do not apply to alleged violations of USAG’s SafeSport Policy or to any matter within the jurisdiction of the U.S. Center for SafeSport (the “Center”). If a complaint alleges both violations of USAG’s SafeSport Policy and an Administrative Matter or Code of Ethical Conduct matter referenced above, then the allegations will be resolved through USAG’s SafeSport process. A complaint submitted under these Procedures arising out of conduct or a matter over which USAG SafeSport has jurisdiction or the Center has exclusive jurisdiction, or over which the Center has exercised jurisdiction, may be stayed pending the outcome of the Center’s or USAG SafeSport’s process.
3. Interaction with Law Enforcement. Any complaint arising out of conduct or a matter that has been referred to, or is being investigated by, any law enforcement or similar agency may be stayed pending the outcome of that agency’s process, unless the complaint raises issues or concerns that require immediate resolution.

4. Type of Complaints. Any current member (the “Complainant”) who believes that the member was aggrieved by an action of USAG or a member of USAG may submit a complaint to USAG. The types of disputes include, but are not limited to, the following:
 - a. An athlete provides a banned substance to competing athlete.
 - b. A parent has decided to leave the gym and has asked for the athlete music and certain fees paid. The club refuses to provide reimbursement and will not release the athlete floor music.
 - c. An athlete is dismissed from the gym and the athlete’s parents are told that the dismissal was due to bullying. The parents asked for a meeting or for more details, which was denied. Parents feel as though their daughter was dismissed due to ethnicity.
 - d. A coach standing near or staring at a former member of the coach’s team during warm-ups at a competition.
 - e. An athlete loudly criticizing a judging result without following established procedures for challenging a competitive result.
 - f. A coach moving a team member to a higher level before the athlete is ready to compete that level.
 - g. A coach and gym owner arguing loudly over practice schedule in the presence of athletes.
 - h. A gym owner declining to allow a qualified athlete to participate in a competition due to the athlete’s race or sexual orientation.
 - i. A coach berating a parent who asks questions about reasons why the athlete did not level up.
 - j. A coach who asks gym staff to complete U110 on behalf of coach who says that they are “too busy” to do it.
 - k. A gym owner who holds season-ending celebration and serves alcohol without monitoring to prohibit minor athlete access.

5. Submitting a Complaint. If the Complainant is a minor, the complaint may be initiated by the minor’s parent or legal guardian.
 - a. A complaint must:
 - (i) be in writing, be dated and signed (ink or electronic signature) by the Complainant, and contain a statement by the Complainant attesting to the truth, completeness and accuracy of the statements made in the complaint to the best of their knowledge;
 - (ii) include the Complainant’s full name and identifying membership information, unless submitted anonymously;

- (iii) identify, to the extent known to the Complainant, all individuals who are allegedly responsible for the acts or omissions that are the subject of the complaint;
- (iv) include a concise statement of the nature of, and facts underlying, the complaint, the individual and/or organization believed to be responsible for the acts or omissions described in the complaint, any supporting documentation and the relief requested;
- (v) attach copies of any supporting documentation; and,
- (vi) demonstrate that the Complainant has exhausted any other available administrative remedies under USAG's policies and procedures.

b. The complaint must be mailed, sent by courier, email or lodged through the on-line portal to the following individuals as set forth below:

If by mail or courier:

USA Gymnastics, Inc.
Attn: Chair, Ethics & Grievance Committee
and Chief Legal Officer
1099 N. Meridian St., Suite 800
Indianapolis, IN 46204

Or

If by email:

Legal@USAGym.org and EandG@USAGym.org

Or

If lodged through the USAG on-line portal:

[Report Online](#)

c. USAG may submit a complaint against a member whenever USAG believes that it has reasonable grounds for such a complaint.

- (ii) Whether the underlying facts and circumstances referenced in the complaint give rise to an issue that is appropriate for resolution under these Procedures; and
 - (iii) Whether the complaint involves matters over which USAG does not have the authority or ability to remedy.
- b. Deficiencies. If there is a deficiency or deficiencies in the submission that can be cured, USAG Compliance will provide the Complainant with notice of the defect(s) and a reasonable period of time to cure such defect(s). If the Complainant fails to cure within the time period provided, USAG Compliance may find a complaint is deficient under this section and dismiss complaint. There is no appeal from such dismissal. The Complainant and any other party who has been given notice of the complaint will be advised of such dismissal.
- c. If USAG Compliance determines that the complaint does not satisfy the criteria specified herein, then the complaint will be dismissed. The Complainant will be advised of any such dismissal and the reason(s) for such dismissal. There is no appeal from this dismissal however, the Complainant may refile.
- d. If USAG Compliance determines that the complaint does satisfy the criteria specified herein, then it will send by regular mail or transmit by email (i) a copy of the complaint and any attachments to any individual and organization whose conduct is the subject of the complaint (an “Adverse Party”) and (ii) a Notice to Adverse Party, which will advise the Adverse Party of its right to respond in writing to the complaint within fourteen (14) days of the date of the Notice to Adverse Party. This provision is satisfied by sending a copy of the complaint and the Notice of Adverse Party to the e-mail and mailing address of each Adverse Party listed in the Adverse Party’s membership records. As stated in Section 8 above, this formal Notice to Adverse Party and right to respond in writing is waived in the event both parties have agreed to engage in informal resolution efforts. USAG Compliance shall provide to Complainant a copy of the Adverse Party’s written response, if any.

10. Hearing Panel.

- a. Within fourteen (14) days after the receipt and service on Complainant of the Adverse Party’s response to the complaint or Notice of Complaint Following Terminated Informal Resolution, the Ethics and Grievance Committee will appoint at least three (3) disinterested individuals to serve as the hearing panel for the matter (the “Hearing Panel”).
- b. The Hearing Panel will be comprised of at least one (1) member of the Ethics & Grievance Committee, who will serve as the chair of the Hearing Panel; one (1) athlete representative who is a 10-Year Athlete Representative; and one (1)

additional individual who may or may not be a member of USAG. Each Panel Member shall read and sign the USAG Conflicts of Interest Acknowledgement and Questionnaire. If there are no conflicts, the Ethics and Grievance Committee will make the appointments then disclose the names of the hearing panelists to the Complainant, the Adverse Parties, and USAG.

- c. The Ethics and Grievance Committee may promulgate procedures for Hearing Panels in addition to these Procedures.
 - d. Any actual or potential conflicts of interest involving the members of the Hearing Panel will be addressed per USAG's Conflict of Interest Policy.
11. Summary Dismissal. After the time for responding to the complaint has expired, or after receipt of responses from all Adverse Parties, whichever is sooner, the Hearing Panel may decide to dismiss the complaint on such grounds as it deems appropriate, including, but not limited to, the complaint fails to state a claim upon which relief may be granted, the time limitation period has expired, the complaint is moot, the complaint fails to identify all necessary parties, the complaint does not comply with these procedures, the panel is without jurisdiction to hear the complaint, or the panel is without authority to grant the requested relief. There is no appeal from a dismissal by the Hearing Panel however, Complainant may refile.
12. Default. If the Adverse Party fails to file a reply to the complaint within the time period set forth herein, the Hearing Panel may enter default against the Adverse Party. The entry of a default shall constitute an admission by the Adverse Party of the facts set forth in the complaint however, the Adverse Party shall have the right to be heard on the issue of any sanction. For good cause shown, a default may be set aside by the Chair of the Hearing Panel, and an Adverse Party may be permitted to file a reply prior to a decision being rendered by the Hearing Panel.
13. The Hearing.

(a) The Hearing Panel will provide all parties with not less than ten (10) days' notice of the hearing date. Absent just cause, a hearing will occur within 90 days after USAG receives the complaint. "Just cause" includes, but is not limited to, the consideration of inclement weather affecting delivery of notice if transmission of email could not be effectuated, the additional time to cure complaint defects, unforeseen circumstances affecting the ability of a party to submit fulsome information, and civil unrest or terrorism.

(b) A party may be represented by counsel. A party desiring to be represented by counsel must give notice of such representation to the chair of the Hearing Panel

and to each party at least five (5) days before the hearing. This notice must include the name, address, phone number, fax number, and email address of the counsel.

(c) At least five (5) days before the hearing, each party must disclose to the Hearing Panel and all other parties (i) the names of any witnesses who the party may call at the hearing and (ii) all evidence that the party may submit during the hearing.

(d) The rules of evidence generally do not apply to proceedings before the Hearing Panel. If a party believes that proffered evidence should not be admitted, then the Hearing Panel will decide that party's objection, taking into account all relevant information including the probative value of the proffered evidence.

(e) Hearsay is admissible, subject to the discretion of the Hearing Panel.

(f) Prior or subsequent conduct of a party may be considered in determining pattern, knowledge, intent, motive or absence of mistake.

(g) The Hearing Panel may consider whether one party intentionally concealed or destroyed evidence. If the Hearing Panel decides that a party did do so, then it may decide that the evidence would have been unfavorable to that party.

(h) Lack of awareness or misunderstanding of an ethical standard is not itself a defense to an allegation of unethical conduct.

(i) The hearing may be conducted in person or by video conference at the time and place (if applicable) selected by the chair of the Hearing Panel. The chair will endeavor to select a place and time that is convenient and equitable to the majority of the persons involved in the hearing. However, the decision of the chair as to the place and time of the hearing is final.

14. Confidentiality of the Hearings.

(a) All proceedings before the Hearing Panel are confidential. All parties and witnesses including panelist(s) shall sign Confidentiality Agreements prior to the commencement of the hearing.

(b) All proceedings regarding an alleged Code of Ethical Conduct violation shall be and remain confidential except:

- i. Information that is necessary to disclose in the course of an investigation to witnesses, parties, counsel and other persons directly involved in the proceedings;

- ii. Information disclosed pursuant to court order or subpoena;
 - iii. Information disclosed to law enforcement agencies and child protection agencies;
 - iv. Information disclosed to parties; and,
 - v. Information disclosed by USAG in response to disclosure by other parties or witnesses in the proceedings.
- (c) All USAG Members acknowledge and agree that USAG and its agents, employees, lawyers, officers, and members have the ability to communicate information to USAG members and clubs relating to disciplinary matters or conduct that may affect such members or clubs, subject to all relevant laws, regulations and USOPC requirements.
- (d) The release of confidential information gained from these proceedings, unless specifically permitted, is a separate violation and may result in disciplinary action.
- (e) The name of the Adverse Party, date of determination, disposition of a complaint and the Code of Ethical Conduct section, USAG Bylaw or policy, if any, violated may be published by USAG.
- (f) USAG shall not be responsible for any release of confidential information by parties, witnesses, or other non-USAG or non-USAG related individuals who may possess or disseminate such information.
- (g) Nothing in these Procedures prohibits a survivor from sharing their story publicly.

15. Decision of the Hearing Panel.

- (a) The written decision of the Hearing Panel will be submitted to the parties, the Ethics and Grievance Committee and USAG Chief Legal Officer within fourteen (14) days after the conclusion of the hearing.
- (b) The decision will be made based on the preponderance of the evidence standard (i.e., more likely to have occurred than not). The Complainant must persuade the Hearing Panel by the evidence and testimony presented at the hearing that what they are required to prove is more likely to be true than not true. After weighing all the evidence and testimony, if the Hearing Panel cannot decide that something is more likely to be true than not true, it must conclude that the party did not prove it.
- (c) The Hearing Panel shall give deference to resolutions that protect the safety and well-being of athletes.

16. Sanction Guidelines.

- (a) The Hearing Panel shall consider all relevant testimony, evidence and documents and render a decision and apply sanctions based on an evaluation of the violation regardless of a party's competitive/coaching/judging level, achievements within the sport, or other factors not directly related to the violation.

- (b) Sanctions imposed by the Hearing Panel will be reasonable and proportionate to the violation and surrounding circumstances and designed to promote participant welfare. General considerations when imposing sanctions include:
 - (i) Nature and severity of the violation;
 - (ii) Ages of the individuals involved;
 - (iii) Member record and pattern of behavior;
 - (iv) Voluntary disclosure of the violation, cooperation, or demonstration of remorse;
 - (v) Disposition by law enforcement, if any;
 - (vi) Perceived or real impact on the concerned parties;
 - (vii) Likelihood of rehabilitation; and,
 - (viii) Ability to affect positive change.

- (c) Types of Sanctions. The Hearing Panel may impose a wide range of disciplinary sanctions. The forms of sanctions include but are not limited to the following:
 - (i) Private Censure: The Hearing Panel may issue a private censure. Generally, these sanctions take the form of a warning letter setting forth the specific violation and/or action or inaction that led to the finding of the misconduct or violation, the specific expectation of conforming behavior, and the sanction should a party's behavior or conduct fail to conform.

 - (ii) Public Reprimand: The Hearing Panel may issue a public reprimand in whatever form, transmission or publication warranted when it

determines that the safety of an athlete or athletes warrants such publication.

- (iii) Removal from sanctioned activity. The Hearing Panel may remove the respondent from a specific event or series of events, or for a specified period of time.
- (iv) Warning with recommendation. The Hearing Panel may issue a warning letter, as set forth above, and mandate a review of behavior within a period of time, or require a party to implement a specific policy or modify a behavior.
- (v) Educational remedy. The Hearing Panel may mandate a party to take and complete an educational course(s) or demonstrate compliance with USAG or a Member Club's policy.
- (vi) Probation. The Hearing Panel may place a party on probation for a period of time whereby the individual's behavior will be monitored by the appropriate legal and/or USAG reporting systems, and membership privileges restricted.
- (vii) Suspension. The Hearing Panel may suspend a party for a period of time whereby the individual does not have any of the rights and privileges associated with USAG membership, including the right to be involved in a Member Club's activities or participate in USAG sanctioned activities. The suspension notification will detail the criteria by which the suspension will be reviewed, lifted, or converted to an alternate sanction.
- (viii) Revocation of Member Club Status. The Hearing Panel may terminate the membership of a USAG Club, whereby the Club may no longer host USAG sanctioned events or register/compete a team of athletes in USAG sanctioned competitions.
- (ix) Permanently Ineligible for Membership. The Hearing Panel may terminate for life an individual's membership in USAG, by which that individual may no longer be affiliated with a USAG Member Club or participate in USAG sanctioned activities.
- (x) Membership Ineligibility. An individual may be deemed ineligible to obtain membership in USAG, such as an individual involved in the sport who has never been a member of USAG, nor applied for membership.

- (xi) Other Relief. The Hearing Panel may impose other types of relief deemed appropriate to the violations and/or circumstances of the matter, including, but not limited to, the issuance of a private or public apology or restitution/fine, expulsion with right to apply for reinstatement.
- (xii) When a Hearing Panel imposes a sanction with executory provisions (for example, probation or suspension), the Hearing Panel shall be deemed to have a continuing authority to enforce the executory provisions and, upon the Adverse Party's failure to fulfill same, to impose such other penalties as the Hearing Panel may determine to be proper.

17. Interim Measures. The Hearing Panel may at any time impose temporary restrictions or requirements such as amended training schedules, supervised interactions with specific members, or prohibited communications or contact with specific individuals. In deciding whether to impose an interim measure, and if so, the appropriate measure to impose, the Hearing Panel evaluates whether (i) the measure is reasonably appropriate based on the seriousness of the allegations and the facts and circumstances of the case; (ii) the measure is reasonably appropriate to maintain the safety or well-being of the Complainant, other athletes, or the sport community; or (iii) the allegations against the Adverse Party are sufficiently serious that the Adverse Party's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it.

18. Binding Arbitration. An appeal of the Hearing Panel's written decision with the full record of the hearing may be submitted to the American Arbitration Association for binding arbitration to the extent allowed by the Ted Stevens Act and USAG's By-laws.

19. Expedited Procedures.

- a. When exigent circumstances require an expedited decision, the committee may hear and decide a complaint within such shorter timeframe as the committee determines is reasonable under the circumstances.
- b. The Complainant may submit a complaint in the format and with the content set forth above and marked "Expedited Consideration Requested" and filed in such manner (overnight express courier or email) as will bring the matter immediately to the attention of the Ethics & Grievance Committee and USAG Compliance.
- c. USAG Compliance will review the complaint and determine whether the allegations meet the threshold requirements: the complaint states a claim upon which relief may be granted; the complainant has standing to bring the complaint; the time limitation period has not expired; the complaint is not moot; the complaint

identifies all necessary parties; the complaint complies with the procedures, set forth herein; the panel has jurisdiction to hear the complaint; and, the panel has the authority to grant the requested relief. If the threshold requirements are met, USAG Compliance will advise the Ethics and Grievance Committee and provide a summary of its review.

- d.** The Ethics and Grievance Committee (or subset thereof) may hear such matter directly or appoint a Hearing Panel, whichever will aid in the expeditious review of the complaint in a manner consistent with the due process rights of all parties.
- e.** The Ethics & Grievance Committee or Hearing Panel may alter these procedures to ensure expeditious review and fairness to all parties.
- f.** The Ethics and Grievance Committee or Hearing Panel may render either an oral or summary written decision, either of which is to be followed within thirty (30) days or sooner, if needed, by a full written decision.
- g.** An appeal of the Hearing Panel's written decision with the full record of the hearing may be submitted to the American Arbitration Association for binding arbitration to the extent allowed by the Ted Stevens Act and USAG's By-laws.