



Member, United States  
Olympic & Paralympic Committee

# PARALYMPIC OPERATIONS DEPARTMENT

Grievance Procedures

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## Compliant Procedures.

### **Policy Statement**

A member of USA Para Powerlifting (USAPP) may file a complaint pertaining to any matter within the cognizance of Logan's POD specific to the department's operations and management of the sport of Paralympic Powerlifting, including but not limited to any alleged violation of or grievance concerning

- Any Logan USAPP rule or regulation,
- Any provision of any and all Logan USAPP policies
- Any US Center of SafeSport Minor Athlete Abuse and Prevention Polices (<https://safesport.org/>)
- Any provision of the Act or the USOPC Bylaws relating to Logan's recognition as an HPMPMO such as;

### **Opportunity to Participate**

Any athlete, coach, trainer, manager, administrator or official may file a complaint to the Logan POD Judicial Committee Chair pertaining to any alleged denial, or alleged threat to deny, of that individuals' opportunity to participate in a Logan USAPP sanctioned/recognized competition/camp/event. Logan USAPP sanctioned/recognized competition/camp/event, violation of Logan USAPP code of conduct, or administrative procedures (as defined in section 9.15 of the Logan POD Handbook).

### **Code of Conduct Violation**

The Logan POD Ethics Committee shall maintain, and the Executive Director of the POD shall promulgate the Logan USAPP Code of Conduct on the USAPP page on Logan's website ([www.logan.edu/usapp](http://www.logan.edu/usapp)). The POD's Ethics Committee shall receive and hear complaints of violations of the Code of Conduct and will provide fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator, or official before declaring the individual accused of such violation.

### **POD Policy Violations**

The Logan POD Ethics Committee shall maintain, and the Executive Director of the POD shall promulgate the POD policies on the USAPP page on Logan's website ([www.logan.edu/usapp](http://www.logan.edu/usapp)). The POD's Ethics Committee shall receive and hear complaints of violations of the POD's policies and will provide fair notice and opportunity for a hearing to any athlete, coach, trainer, manager, administrator, or official before declaring the individual accused of such violation.

### **Manner of Filing**

The complainant shall file the complaint addressed to the Executive Director of Paralympic Operations at Logan, who shall inform the needed parties in Logan's current reporting structure of the complaint and assign the complaint to the POD's Ethics or Judicial Committee for process.

The complaint shall set forth in typed, clear and concise language, preferable in numbered paragraphs (complaint form can be found at [www.logan.edu/usapp](http://www.logan.edu/usapp)):

- The complainant's name (full) and full contact information,

- the name of the defendant (complaints against organizations shall name the organization, not an individual),
- specifics of the nature of the alleged violation,
- where the alleged violation occurred,
- when the alleged violation occurred,
- the circumstances under which the alleged violation occurred,
- how the alleged violation impacts the complainant,
- the remedy requested by the complainant,
- a narrative describing the allegation; and
- the complainant's signature

### **Hearing Panel**

Upon the timely and complete filing of a complaint, the chair of the Logan POD's Ethics or Judicial Committee after consultation with the Executive Director of Paralympic Operations and other members of the Logan Ethics or Judicial Committee, shall appoint a Hearing Panel consisting of three (3) individuals to hear the complaint (at least one (1) of whom must be an athlete who meets the qualifications of any athlete USAPP membership). The complaint will be given to the appropriate committee chair based on the roles and responsibilities of the committees set forth in sections 9.14 and 9.15 of the POD handbooks. All members of the hearing panel will be required to abide by the POD Conflict of interests policy, complete and submit the POD Conflict of Interests disclosure form. If it is found that a member of the hearing panel has a conflict of interest (as described in the POD Conflict of Interest Policy) the Ethic or Judicial Committee will appoint that individual's replacement to the hearing panel.

The POD Ethic or Judicial Committee shall also appoint a Chair of the Hearing panel. A POD Ethics and/or Judicial Committee member may be appointed to and serve on the Hearing Panel. Other individuals who meet the standards of independent as set for in the POD handbook may be identified by the POD Ethics or Judicial Committee and may also be appointed to serve on the Hearing Panel. Members of the panel need not be members of the sport(s) managed by the POD.

All members of any hearing panel shall be disinterested individuals without conflict of interest to the individuals or situations being heard.

### **Conducting of the Proceeding**

#### *Fair Notice*

Within ten (10) days of the appointment of the Hearing Panel, the Executive Director of Paralympic Operations (or his or her designee) will provide to the Chair of the Hearing Panel a copy of each of the following documents:

- the Complaint;
- all materials filed with the Complaint, if any; and
- any relevant documents in the possession of Logan.

The Hearing Panel shall ensure that any affected parties are provided with the relevant materials. The Hearing Panel may also determine that individuals not listed by either the Complainant or the POD as an affected party shall be given notice. Any party named as an affected party shall be eligible to participate fully in the Grievance, including the Hearing. Any party notified of the Complaint as a potentially affected party shall be bound by the decision of the Hearing Panel, even if he or she chooses not to participate.

The Hearing Panel shall initially meet and decide whether the filing meets the minimum standards for a sufficiently filed complaint and rule on whether the complaint may go forward.

If the complaint is insufficient, the Hearing Panel shall provide written opinion to the complainant explaining its decision and whether the complaint may be corrected and re-filed (a dismissal without prejudice) or whether the complaint may not be re-filed (with prejudice) providing justification for its opinion.

If the complaint is not dismissed, the Hearing Panel shall notify the named defendant (within 14 days for receiving the complaint) if any, and the defendant shall have 30 days to respond to the complaint with a sufficiently stated response that refutes the complaint.

Failure to respond shall be grounds for the Hearing Panel to grant a default judgement to the complainant with a remedy determined by the Hearing Panel.

Upon receipt of the defendant's response, the complainant shall have 30 days to respond. After receipt of the complaint, defendant's response and complainant's response to defendant the Hearing Panel may decide based on the filing if the Hearing Panel's discretion the filing sufficient, and the parties agree to such a procedure.

If the Hearing Panel concludes that a hearing is warranted the Hearing Panel shall schedule 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, and the rules of evidence will not be strictly enforced, except that testimony shall be taken under oath.

If necessary or convenient to the parties, the hearing may be conducted by tele- or web-conference.

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

All parties shall have the evidence distributed to them for inspection within a reasonable time to prepare their respective positions.

Member of the hearing panel shall have the right to question witnesses or the parties to the preceding 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.

### **Fair Process Considerations**

In any hearing conducted, the parties shall be provided with the following

- Notice of the charges or alleged violations, with specificity and in writing and possible consequences if the charges are found to be true;
- Reasonable time between receipt of the notice of charges and the hearing with respect of the charges, within which to prepare a defense;
- Notice of the identify of adverse witnesses provided in advance of the hearing;
- The right to have the hearing conducted at such a time and place as to make it practicable for the person charged to attend;
- A hearing before a disinterested and impartial body of fact finders;
- The right to be assisted in the presentation of one's case at a hearing, including the assistance of legal counsel, if desired; however, all fees shall be paid by the party seeking assistance of legal counsel;
- The right to present oral and written evidence and argument;
- The right to call witnesses to testify at the hearing including the right to have individuals under the control of an adverse party attend; and to confront and cross-examine such individuals;
- The right to have a record (i.e., transcript) made of the hearing (in this regard, the reporter shall be paid for by the party requesting the reporter; and a copy of any transcript shall be provided to the other party upon payment of half of the cost. Any transcripts ordered by a party shall be made available to the Hearing Panel upon request of the hearing Panel;
- The burden of proof shall be on the proponent of the charge, which burden shall be by "at least a preponderance of the evidence," unless an applicable rule of law provides for the higher burden of proof;
- A written decision, with reasons therefore, based solely on the evidence of record, handed down in a timely fashion; and
- A written notice of appeal procedures, if the decision is averse to the person charged, and the prompt and fair adjudication of any appeal
- First avenue of appeal shall be to the POD's Ethics or Judicial Committee (depending on which committee has jurisdiction over the filing) en banc (all Committee members shall review the decision) who shall meet after review record and the Panel's decision. After its review the POD's Ethics or Judicial Committee shall inform the parties and the Hearing Panel whether it upholds the Hearing Panel's decision or whether it will hear the appeal

- Except in extraordinary circumstances, which shall be documented and detailed in the POD Ethics or Judicial Committee's decision, the appeal shall be over process and the Hearing Panel's interpretation of the rules and procedure. Findings of fact by the Hearing Panel generally shall not be subject to appeal
- A second and final appeal with the POD is subjected to Logan's general process (those not specific to the sport of Paralympic Powerlifting in the United States). This information can be found at [www.logan.edu](http://www.logan.edu)

### **Complaints Involving Selection of 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 POD's Judicial Committee (as set forth in section 9.15 of the POD handbook) shall determine which additional individuals must receive notice of the complaint. The POD 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 a party. If an individual is notified of the complaint, then that individual shall be bound by the decision of the Judicial Committee, even if the individual chose not to participate as a party.

### **Decision**

A decision shall be determined by a majority of the Hearing Panel. The Hearing Panel's decision shall be in writing and distributed to the parties. A catalogued record of all Hearing Panel and Appellate decisions and remedies shall be kept in the official records of the POD, available to public review and research. Although not absolutely binding, consistent interpretation of rules, violations and remedies require Hearing Panels and Appellate Panels to refer to said catalogued decisions for guidance in matters before them. Decisions will be made not later than 90 days after the initial filing of the complaint. Should the Hearing Panel more time due to the nature of the complaint they are to inform the parties prior to the expiration of the three week time frame.

### **Expedited Procedures**

The POD's Ethic or Judicial Committee shall provide an expedient review of a grievance involving an urgent or emergency situation. This process is as follows:

This process shall include all request by Members concerning selection procedures, code of conduct violations, and/or Athlete Safety/US Center of SafeSport violations. The request for an expedite review may be submitted by the Member verbally to the Executive Director of Paralympic Operations

In the expedited review process, all necessary information, including POD's Ethic or Judicial Committees decision, shall be transmitted between the POD and the Member by telephone, email or the most expeditious method.

The POD's Ethic or Judicial Committee shall make a decision and notify the Member as expeditiously as the matter requires, but in no event more than seventy-two (72) hours after the review is requested. The POD's Ethic or Judicial Committee shall provide written confirmation of

its decision concerning an expedite review within two (2) working days of providing notification of that decision, if the initial notification was not in writing.

The written decision shall be in the form of a Notice. The Notice, which will be sent first class mail, shall contain the following information:

The name(s), title(s) and qualifying credential(s) of the person(s) participating in the grievance review process;

A statement of the reviewer's understanding of the grievance;

The reviewer's decision in clear terms and the contract basis or the rationale in sufficient detail;

A reference to the evidence or documentation used as the basis for the decision; and

An explanation of how to request a reconsideration of a grievance review decision

### **Arbitration**

Per the Act and the USOPC Bylaws, certain parties subject to these Bylaws may bring a grievance to the American Arbitration Association

### **Anti-Retaliation Statement**

In many instances, the POD must rely on individual staff and/or members of the sport(s) it manages and governess to report to the appropriate POD staff cases where it appears that a member or members of the POD and its sport(s) community are not complying with applicable law or policy. A major deterrent to such reporting is the fear that the person or persons against whom the report is made will retaliate against the person making the report. The purpose of this statement is to clearly articulate that the POD prohibits retaliation against those who make bona fide reports of possible non-compliance.

The POD's, administrators, and staff shall not intimidate or take retaliatory action, against any member of the POD and its sport(s) community or a relative of such a person, who makes a report in good faith and without malice.

This statement also prohibits persons from knowingly and intentionally making a report of non-compliance that is false.



# Appendix A

## Complaint Form

This Complaint Form must be used when filing a complaint with Logan University (Logan) involving an alleged denial of an opportunity to compete, code of conduct or any POD policy violation, or administrative process. A complaint that is not filed in accordance with Logan’s complaint procedures shall render the filing ineffective and the complaint shall not be considered to have been properly filed. The complaint shall be filed with the Executive Director of Paralympic Operations by email to [Kelley.Humphries@logan.edu](mailto:Kelley.Humphries@logan.edu) . Also, Claimant must serve a copy of the Complaint on the Respondent at the time of filing. You are allowed and encourage to attach any supporting document to support your filing. Any questions concerning this form, or the filing of a complaint may be directed to the Executive Director of Paralympic Operations at 230.636.1736.

### The Claimant

1. Claimant(s). If there is more than one Claimant, please list all the Claimants’ names and complete the contact information for primary Claimant.

1.1. Claimant’s Name: \_\_\_\_\_

1.2. Claimant’s full mailing address: \_\_\_\_\_

1.3. Claimant’s telephone and fax numbers: Home ( \_\_\_\_\_ ) \_\_\_\_\_  
Work ( \_\_\_\_\_ ) \_\_\_\_\_  
Cell ( \_\_\_\_\_ ) \_\_\_\_\_  
Fax ( \_\_\_\_\_ ) \_\_\_\_\_

1.4. Claimant’s e-mail address: \_\_\_\_\_

1.5. Name of the authorized spokesperson or presentative (i.e., lawyer, coach, parent..)  
\_\_\_\_\_

1.6. Full mailing address of the authorized spokesperson or representative (i.e., lawyer, coach, parent..):  
\_\_\_\_\_

### The Respondent

2. Respondent(s). If there is more than one respondent, please complete for all Respondents

2.1. Respondent’s name: \_\_\_\_\_

2.2. Respondent’s full mailing address  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2.3. Respondent’s e-mail address, if known: \_\_\_\_\_

### Competition

3. Please list the competition that is the subject of the complaint

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Statement of the dispute

4. Please provide on Attachment A the factual and legal basis (numbered paragraphs) upon which you allege that your opportunity to participate has been denied and why that opportunity must be protected. If you are contesting a decision rendered by a sports organization, please provide a copy of the decision. For selection disputes, please also provide, if available, information regarding the selection process and a copy of the relevant selection procedures

**Remedy**

- 5. Please specify the outcomes or relief you are seeking:

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**Identification of an affect party**

- 6. Please indicate on Attachment B, to the best of your knowledge, the name and contact information of any person whose selection, ranking or other status could be affected by the decision and the reasons justifying why that person should be an Affected Party

**Urgency**

- 7. To the best of your knowledge, is there an urgency to resolve the dispute and if so, provide reasons justifying the need for an expedited procedure and the deadline to resolve the dispute:

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**Other proceedings**

- 8. Are you aware of any other complaint filed or other ongoing proceedings that might influence the present complaint? If yes, please provide the forum in which the complaint or proceeding is being heard and if available, the contact information of the parties involved.

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**Signature**

The complaint must be signed by the Claimant (or Claimant’s authorized spokesperson or representative) or where a complaint is being brought on behalf of a team, by a representative of the team. If this complaint is being submitted electronically, the person sending the e-mail shall be deemed to have signed the complaint.

By signing this complaint, I attest that I have served a copy of the complaint to the Respondent(s) listed in Section II.

Signature of the Claimant/Authorized Spokesperson or representative:

Signed on: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed name)



