

USATT Ethics Committee
Supplemental Hearing Procedural Rules

The Ethics Committee (or other appropriate committee) shall generally administer and oversee all administrative grievances and right to compete matters filed with USATT. The Ethics Committee shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. USATT Bylaw §15.6.

Rule 1 – Promulgation.

These rules are promulgated under the authority of USATT Bylaw §15.6.¹

Rule 2 – Expedited Procedures.

- (a) 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 Ethics Committee may order that the complaint be heard and decided in a time frame consistent with the circumstances.
- (b) When acting under expedited procedures, all time frames in these Rules are subject to adjustment by the Ethics Committee in a manner retaining fairness for all parties.

Rule 3 –Means of Communication.

- (a) To the extent practical, the Committee’s written communications with parties will be via email. If a party reasonably states that email is not available, written communications with that party shall be via first-class mail. The certification of a party or Committee representative of emailing or mailing shall be sufficient to confirm the communication.
- (b) When a communication must be made via first-class mail, three days shall be added to times for responses to be filed.

Rule 4 – Initiation of Action

- (a) The complainant shall file the complaint with the Ethics Committee The complaint shall set forth in clear and concise language, preferably in numbered paragraphs: (i) the alleged violation, grievance, denial or threat to deny, and (ii) the remedy requested. The complainant shall sign the complaint.
- (b) A complaint filed by an individual shall be accompanied with a \$250.00 filing fee, except for an employee grievance, which requires no fees. A complaint filed by an organization shall be accompanied with a \$500.00 filing fee, except that the USATT is not required to pay a filing fee. The complainant may request that the

¹ The Ethics Committee may promulgate procedures in addition to those set forth in these Bylaws for the effective administration of complaints filed with USATT.

filing fee be reduced or waived for reasons of significant financial hardship. If such request is made, the Ethics Committee shall determine whether or not to reduce or waive the filing fee. If the complaint is upheld by the Ethics Committee and through any subsequent appeals, the filing fees shall be refunded in full.

- (c) 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 hearing panel shall determine which additional individuals must receive notice of the complaint. The complainant 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 hearing panel even though the individual chose not to participate as a party.
- (d) Where a complaint is filed against multiple respondents, the Hearing Panel has the authority to consolidate the complaints into one hearing procedure; however, each respondent may present a defense. The Hearing Panel will make individual findings at its discretion.

Rule 5 – Response

- (a) The Ethics Committee will notify the respondent(s) of the Complaint. Included with the notice will be a copy of the Complaint, a copy of these Rules, and any known adjustments to time frames, if necessary to expedite results pursuant to Rule 2.
- (b) A respondent may file an answer to the Complaint and submit evidence supporting his/her defense. If the respondent files an answer, and any supporting evidence, the filing must be within 14 calendar days of the date the Committee notifies the respondent of the Complaint.
- (c) All filings should be copied to the Hearing Panel and all parties.
- (d) If no answering statement is filed within the stated time, respondent will be deemed to deny the claim. Failure to file an answering statement shall not operate to delay the proceedings.
- (e) All members of the Ethics/Disciplinary Committee may receive copies of all filings, and may give their comments to the Hearing Panel prior to a hearing if they so choose.

Rule 6 – Hearing Panel

- (a) As soon as practical after the filing of a Complaint, the Ethics Committee will name a Hearing Panel to hear the complaint and render a decision.
- (b) Members of the Hearing Panel shall be selected pursuant to USATT Bylaw §15.7.

Rule 7 – Date, Time, and Place of Hearing

- (a) The Chair of the Hearing Panel shall set the date, time, and place for each hearing. The parties shall respond to requests for hearing dates in a timely manner, be cooperative in scheduling the earliest practicable date, and adhere to the established hearing schedule.

Rule 8 - Attendance at Hearings

- (a) Attendance at hearings will be limited to the parties, designated witnesses, the Hearing Panel, the USATT General Counsel (or designee), and a USATT staff employee selected by the CEO.
- (b) Participation by the USATT General Counsel (or designee) and USATT staff employee shall be limited to provision of legal and technical assistance to the Hearing Panel.

Rule 9 – Representation

- (a) Any party may be represented by counsel or other authorized representative.
- (b) A party intending to be so represented shall notify other parties and the Hearing Panel of the name and address of the representative at least seven (7) days prior to the date set for the hearing at which that person is first to appear.
- (c) When such a representative initiates a Complaint or responds for a party, notice is deemed to have been given.
- (d) If USATT initiates a complaint, the USATT General Counsel will appear as solely to provide technical assistance to the Hearing Panel. USATT will maintain the right to be represented by separate counsel.

Rule 10 – Motions

- (a) All motions shall be decided by the Hearing Panel at the hearing.
- (b) Motions filed in advance of a hearing shall be served on the Chair of the Hearing Panel and all other parties at least seven (7) days prior to the date set for the hearing.

Rule 11 – Conduct of Hearings

- (a) The claimant shall present evidence to support its claim. The respondent shall then present evidence to support its defense.
- (b) Witnesses shall also submit to questions from the Hearing Panel and the adverse party. Members of the Hearing Panel shall have the right to question witnesses or the parties to the proceeding at any time.
- (c) The Hearing Panel has the discretion to vary this procedure, provided that the parties are treated with equality and that each party has the right to be heard and is given a fair opportunity to present its case.
- (d) The Hearing Panel, exercising its discretion, shall conduct the proceedings with a view to expediting the resolution of the dispute and may direct the order of proof, bifurcate

proceedings and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

- (e) The parties may agree to waive oral hearings, subject to the discretion of the Chair of the Hearing Panel.

Rule 12 – Witnesses

- (a) Any party may present witnesses.
- (b) The Hearing Panel may designate other witnesses, at its discretion, to facilitate the finding of facts.
- (c) The Chair of the Hearing Panel has the authority to separate non-party witnesses from other testimony.

Rule 13 – Evidence

- (a) The parties may offer such evidence as is relevant and material to the dispute and shall produce such evidence as the Hearing Panel may deem necessary to an understanding and determination of the dispute. Conformity to legal rules of evidence shall not be necessary. All evidence shall be taken in the presence of all of the Hearing Panel and all of the parties, except where any of the parties is absent, in default or has waived the right to be present.
- (b) The Chair of the Hearing Panel shall determine the admissibility, relevance, and materiality of the evidence offered and may exclude evidence deemed by the Chair to be cumulative or irrelevant. The Chair may confer privately with the USATT General Counsel at any time regarding any issue related to the matter.
- (c) The Chair of the Hearing Panel shall take into account applicable principles of legal privilege, such as those involving the confidentiality of communications between a lawyer and client.
- (d) The Hearing Panel may receive and consider the evidence of witnesses by declaration or affidavit, but shall give it only such weight as the Hearing Panel deems it entitled.
- (e) The function of the hearing panel is not to gather evidence or conduct investigations independently of the hearing process, but to consider the evidence presented by the parties to the complaint.

Rule 14 – Interpreters

Any party wishing an interpreter shall make all arrangements directly with the interpreter and shall assume the costs of the service.

Rule 15 – Postponements

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The Chair of the Hearing Panel may postpone any hearing upon agreement of the parties, upon request of a party for good cause shown, or upon the Hearing Panel's own initiative.

Rule 16 – Hearing in the Absence of a Party or Representative

Unless the law provides to the contrary, the hearing may proceed in the absence of any party or representative who, after due notice, fails to be present or fails to obtain a postponement. A final decision shall not be made solely on the default of a party. The Hearing Panel shall require the party who is present to submit such evidence as the Hearing Panel may require for the making of a final decision.

Rule 17 – Closing of Hearing

- (a) The Chair of the Hearing Panel shall specifically inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies or if satisfied that the record is complete, the Chair shall declare the hearing closed. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the Chair for the receipt of briefs. If the Chair requests that additional documents be filed and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the closing date of the hearing.
- (b) The time limit within which the Hearing Panel is required to make the final decision shall commence, in the absence of other agreements by the parties, upon the closing of the hearing.

Rule 18 - Reopening of Hearing

The hearing may be reopened on the Hearing Panel's initiative, or upon motion of a party, at any time before the final decision is made. The Hearing Panel has the discretion to deny an application to reopen a hearing without a separate hearing on the motion.

Rule 19 - Waiver of Rules

Any party who proceeds with the hearing after knowledge, actual or constructive, that any provision or requirement of these rules has not been complied with and who fails to state an objection at or before the hearing shall be deemed to have waived the right to object.

Rule 20 - Decision

- (a) A decision shall be determined by a majority of the Hearing Panel.
- (b) The Hearing Panel's decision shall be in writing and distributed to the parties no later than thirty days following the closing of the hearing.
- (c) The appeal of a final decision shall not stay the effect of the decision except upon the order of the appellate body.

Rule 21 – Scope of Decision

Unless expressly limited by USATT Bylaws, the decision of the Hearing Panel, and any resultant remedy or relief, may take any form from exoneration to suspension of USATT membership for a length of time determined by the hearing panel.

Rule 22 – Interpretation and Application of Rules

The Hearing Panel shall have the discretion to interpret and apply these Rules.