

Last revised November 13, 2019

## **I. INTRODUCTION**

This Conduct Policy ("Policy") defines a code of conduct for members of the USA Ultimate community, details the bodies that manage matters related to conduct, and describes the procedures for addressing conduct violations and sanctions relating to conduct violations. The primary means for dealing with disputes is direct discussion between the persons or teams involved. USA Ultimate applauds the maturity its members regularly exhibit in resolving their own disputes and correcting their own misdeeds, and celebrates the general irrelevance of this very Policy. However, in the rare circumstance where formal redress is needed, this Policy takes effect.

Beyond its own rules, USA Ultimate expects all players to abide by the laws, regulations and statutes of the jurisdiction in which they participate, whether at USA Ultimate-sanctioned events or not. USA Ultimate, its officers, directors, agents, affiliates and members will cooperate fully with the relevant authorities to ensure compliance with such laws, regulations and statutes.

Though much of this document deals with inappropriate conduct, it is crucial to note that good conduct is appreciated and commended by USA Ultimate through its several awards recognizing individuals and teams which uphold and demonstrate the [Spirit of the Game](#), through Spirit of the Game projects funded by the USA Ultimate Foundation, and by continually reinforcing the notion of sportsmanship and respect. In addition, teammates and opponents alike express their appreciation of fair and respectful play. Finally, good conduct is its own reward!

## **II. DEFINITIONS**

A. "Acting Disciplinary Authority" means any tournament director, Tournament Rules Group ("TRG"), certified Observer, Sectional or Regional Coordinator, State Youth Coordinator, Regional Youth Director, National Director, member of the USA Ultimate Administration performing his/her duties in some specific capacity, officer or agent of USA Ultimate, or some other USA Ultimate-appointed individual or group charged with decision-making regarding conduct pertaining to a specific USA Ultimate event or program in progress.

B. "Administration" or "Staff Member" refers to the staff of USA Ultimate.

C. "Board of Directors" or "Board" shall mean the full Board of Directors of USA Ultimate.

D. "Judicial Committee" means a committee comprised of members of the Board of Directors, or a hearing panel appointed by the committee, in accordance with the Bylaws of USA Ultimate. The Judicial Committee will oversee matters of right to play, administrative grievances, discipline, and conduct pursuant to the terms of this Policy and the Bylaws of USA Ultimate.

E. "Conduct within USA Ultimate" shall have the meaning set forth below in [Section III.B](#) which includes, but is not limited to, a player's or a team's actions, statements, written words, and documents in dealing with an Acting Disciplinary Authority, officers, volunteers and staff of USA Ultimate.

F. "Conduct within the Ultimate Community" shall have the meaning set forth below in [Section III.C](#).

G. "On-Field Conduct" refers to the actions of players and teams during the course of a tournament or other USA Ultimate event and is not limited to actions during a game.

H. "Player" and "member" both refer to any member of USA Ultimate, except where otherwise noted.

I. "Local Disc Organization" means any USA Ultimate State Based Organization, USA Ultimate Affiliate or any other organization in the United States organizing ultimate Frisbee at a local level.

## **III. CODE OF CONDUCT**

USA Ultimate members are expected to behave in a manner consistent with the mission of the organization while (a) on the playing field, (b) interacting with the administration and officers of USA Ultimate, and (c) dealing with the greater ultimate community. The same expectations exist for teams and other groupings of members.

## A. On-Field Conduct

Players and teams are expected to treat one another with respect, to conduct themselves in a safe and orderly manner, and, while playing, to adhere to the rules of ultimate as well as to any tournament and site regulations, including the USA Ultimate Policy on doping. On-field violations may therefore include (with the clause being violated appearing in parentheses), but are not limited to, abusive heckling (respect), spiking the disc on another player (respect, safety), dangerous play (safety), spitting at another player (respect), cheating (rules), deliberate fouling (rules), reckless behavior at a tournament party (order, safety), drinking on the sidelines when prohibited (site regulations), taunting (respect), and violence against another player (respect, order, safety).

Repeated, excessive or deliberate inappropriate conduct constitutes a violation of this conduct Policy. An individual instance of inappropriate conduct may also warrant sanctioning by the Judicial Committee if the action is sufficiently severe. Such a sanction may be in addition to any penalties imposed by an Acting Disciplinary Authority, such as a TRG or Head Observer. Acting Disciplinary Authorities and the Judicial Committee operate independently.

## B. Conduct within USA Ultimate

Players and teams are expected to be truthful and respectful in their dealings with the Administration and Staff Members of USA Ultimate, in addition to complying with USA Ultimate rules and deadlines.

Violations of conduct occur upon the breach of these expectations. Violations of conduct within USA Ultimate may therefore include, but are not limited to, filing a fraudulent roster; hacking the USA Ultimate Website; supplying fraudulent membership data to USA Ultimate; hosting a USA Ultimate-sanctioned tournament but excluding a team from competition based on a personal grievance with the captain; theft of privileged information from USA Ultimate or its directors, officers or administrators; obstructing an agent of USA Ultimate from performing his/her duty; and libel against a director, organizer or administrator regarding USA Ultimate-related activity. For example, a player who groundlessly accuses a Board member of embezzlement while being interviewed live on television may violate this Code of Conduct on the grounds of slander, even if that player later recants while off camera.

Tournament directors, members of the Administration of USA Ultimate, and other such USA Ultimate-appointed individuals or groups may serve as Acting Disciplinary authorities regarding violations of conduct within USA Ultimate, provided the conduct pertains to an event or process reasonably under their jurisdiction. For example, Sectional and Regional Coordinators are Acting Disciplinary Authorities for conduct within USA Ultimate regarding the appropriate championship series in their sections and regions, respectively. A Regional Coordinator who finds that a team has filed a fraudulent roster may exclude that team from competition. As another example, the director of membership in the Administration has the authority to deny membership to an applicant who submits a fraudulent membership form.

## C. Conduct within the Ultimate Community

Members are expected to act consistently with the mission of USA Ultimate to advance the sport of ultimate and maintain the health and safety of other members of the community. Actions inimical to the mission are violations of conduct. Violations include, but are not limited to, emotional, physical, sexual abuse, assault, harassment or other safety related criminal acts impacting the community. Violations may also include, but are not limited to, libel in the printed media, obscene acts on televised media featuring ultimate, and vandalism or other destructive behavior toward an ultimate facility.

## D. Other Regulatory Codes

Note that an Acting Disciplinary Authority may adopt any number of approved regulatory schemata (such as the "Misconduct System" used by Observers) for administering penalties within the course of a tournament or other USA Ultimate event. Such regulatory guides must conform to this overarching Code of Conduct. Actions resulting in penalties administered through the application of such systems do not constitute conduct violations unless a complaint is filed by the Acting Disciplinary Authority or an eyewitness member and the Judicial Committee deems them to be violations. Likewise, actions that are not penalized under such systems may still be held violations of the Code of Conduct upon complaint and review, and thus are subject to sanctioning under this Policy.

The Code of Conduct described here applies to all USA Ultimate members in every disc-related activity, as well as to all dealings with the USA Ultimate Administration including but not limited to, USA Ultimate Staff Members and volunteers. The Head Observer is judging on-field behavior by the same standards as is the Tournament Rules Group ("TRG") or the Judicial Committee. Different authorities may have additional rules to enforce which are unrelated to the USA Ultimate Code of Conduct, however. For example, a team's showing up late for a game may merit a point penalty from a TRG or Head Observer while constituting no breach of the Code of Conduct. Note, too, that these several disciplinary bodies may impose different sanctions for the same conduct violation. For example, the "Misconduct System" that an Observer might employ delineates a strict set of penalties, whereas the Board or Judicial Committee is not so narrowly bound in its sanctions.

#### E. Prior Conduct

Conduct prior to becoming a member of USA Ultimate may also be subject to the Code of Conduct, particularly to the extent that, in its sole discretion, the Judicial Committee deems the member to be a potential danger to the ultimate community.

### **IV. ENFORCEMENT OF THE CONDUCT POLICY**

Alleged violations of Section III (Code of Conduct) set forth above shall be reviewed two ways. For conduct that occurs during USA Ultimate sponsored or sanctioned event or program in progress, expedited resolution may be required and, as a natural result, the review and appeal process is necessarily limited to real-time review. Alleged violations of this Policy that do not need to be resolved during a USA Ultimate sponsored or sanctioned event, may be reviewed through a formal complaint-defense-appeal-process.

#### A. Enforcement During a USA Ultimate Event or Program in Progress

An Acting Disciplinary Authority may, as necessary, impose sanctions or penalties for violations of this Policy to ensure expedient administration of its duty in anticipation of or during a USA Ultimate event. For example, a tournament director has the authority to eject a violent player from a tournament.

More than one Acting Disciplinary Authority may have jurisdiction over an event. In such case, communication and coordination between the multiple Acting Disciplinary Authorities with jurisdiction is encouraged to ensure that consistent results are achieved and the appropriate course of action is determined.

Notwithstanding the foregoing, in the event that disagreements between multiple Acting Disciplinary Authorities at a particular event arise, the highest level Acting Disciplinary Authority who is ascertainable and reachable during an event shall make the final decision. For example, during a national series event a decision by the National Director overrules a decision made by the Regional Coordinator or Regional Youth Director, a decision made by the Regional Coordinator or Regional Youth Directory overrules a decision by the Sectional Coordinator, State Youth Director, or tournament director in matters regarding discipline. A decision by the Sectional Coordinator or State Youth Coordinator or overrules a decision by the tournament director in matters regarding discipline. However, for USA Ultimate sanctioned events, the highest level Acting Disciplinary Authority may be the tournament director whose decision during an event may be final. For other events or programs in progress such as national team tryouts, USA Ultimate sanctioned events and tournaments and USA Ultimate sponsored events other hierarchies may exist and apply.

#### 1. Initiating and Carrying Out the Enforcement Process

An Acting Disciplinary Authority may act on his or her own initiative to impose sanctions or penalties for violations of this Policy. In addition, an individual may allege a complaint against a player or team by directly contacting the appropriate Acting Disciplinary Authority, who may act upon the complaint as he or she sees fit. Due to the time sensitive nature of the situation, no written complaint is necessary.

#### 2. Immediate Appeal of an Acting Disciplinary Authority's Decision

Generally, if a higher level Acting Disciplinary Authority is ascertainable and reachable during the event, a USA Ultimate member may appeal the initial decision made by the lower level Acting Disciplinary Authority. For example, in a USA Ultimate national series event such as Sectionals or Regionals, an Acting Disciplinary Authority's decision may be immediately appealed to the National Director of the appropriate division, either in person or via telephone or email communication. If the National Director can be reached in time to make

a meaningful decision on the matter, the National Director's decision is final with respect to how to proceed during an on-going event. If the National Director cannot be reached in time to make a decision on the matter, the original Acting Disciplinary Authority's decision stands during the on-going event.

However, in situations where there may be no clear higher level Acting Disciplinary Authority, such as a USA Ultimate sanctioned event, the Acting Disciplinary Authority decision may not be appealed. This Policy encourages USA Ultimate members to conduct themselves in a manner that is in conformance with the requirements of this Policy and to ensure quick decision-making and finality during ongoing events.

### 3. Appeal of the Acting Disciplinary Authority Decision

If the sanctions imposed by Acting Disciplinary Authority continue beyond the tournament or event where the conduct violation took place, the sanctions may be appealed by following the procedures set forth in Section B below. USA Ultimate Members may also appeal a decision which they believe was made by an Acting Disciplinary Authority unfairly or in error pursuant to the USA Ultimate Administrative Grievance Policy.

#### B. Enforcement Through a Formal Complaint

The second method by which alleged violations of this Policy are reviewed is through a more formal complaint process. While this process is more formal, it is understood that a particular situation may have a time-sensitive nature, and as such the timeframes set forth below may be accelerated at the discretion of the Judicial Committee to ensure that time-sensitive complaints are reviewed quickly while still being afforded the full process outlined below.

##### 1. Formal Complaint Process

Any USA Ultimate member or group may file a complaint against any other member, group of players, team or a decision made by an Acting Disciplinary Authority if the sanctions imposed continue beyond the tournament or event where the conduct occurred. In the case of a complaint relating to on-field conduct, the complainant must be a witness to the conduct in question. An individual who hears of but does not witness offensive conduct may request an investigation by the Judicial Committee, who may act on such requests at their discretion.

The complainant must complete a Complaint Form (attached hereto as [Exhibit A](#)) and submit the form to the Chair of the Judicial Committee within one-hundred fifty (150) days of the conduct in question. The Judicial Committee shall have the discretion to grant complainants extensions of this deadline prospectively or retroactively. Multiple complaints by different parties regarding a single incident may be consolidated and treated as a single complaint.

The Judicial Committee will determine whether a complaint is sufficiently credible to warrant a hearing, in accordance with the Judicial Committee hearing panel procedures. In making this determination the Judicial Committee may consult with appropriate Staff Members. In the event that the Judicial Committee determines that a complaint is insufficient to warrant a hearing, it shall notify the complainant in writing of its determination. In the event the complaint is deemed credible, the Judicial Committee will inform the complainant and will also inform the respondent of the complaint, making known to him or her the allegations being charged. The respondent will have thirty (30) days, or such shorter or longer period as the Judicial Committee determines, in its sole discretion, to submit a written response to the Judicial Committee.

Once a complaint is deemed credible, all parties to the complaint shall have the opportunity to request a telephone hearing, which shall follow USA Ultimate Hearing Panel Procedures (attached hereto as [Exhibit B](#)), which shall be maintained and updated by the Judicial Committee.

If no telephone hearing has been requested, the Judicial Committee may make decisions based on the written materials provided, and in its sole discretion, may request additional written materials from any party to the complaint.

Whether or not a telephone hearing has been requested, the parties have the burden of submitting evidence to the judicial committee in support of their positions. The Judicial Committee has the discretion, but not the burden, to seek or consider additional evidence.

Judicial Committee decisions are based on majority vote when no consensus can be reached. In the event of a tie, the Chair of the Judicial Committee casts the deciding vote.

## 2. Permissible Involvement of USA Ultimate Staff

In its sole discretion, the Judicial Committee may ask one or more Staff Members to review the complaint, response and submitted evidence and provide input, including a recommended course of action. The Judicial Committee may forward copies of information it has obtained on a particular matter to the appropriate Staff Members. The Judicial Committee may request that the Staff Members obtain further information.

## 3. Appeals

According to Article X of the current USA Ultimate Bylaws ([Grievances and Appeals](#)), a decision that follows the formal complaint process of the Judicial Committee may only be appealed through AAA arbitration (Section 10.13).

# V. SANCTIONS

## A. Sanctions by an Acting Disciplinary Authority

An Acting Disciplinary Authority may impose sanctions necessary for the administration of its duties. Such sanctions may include, but are not limited to, ejection of a team or player from a game, tournament, or tournament series; assessment of points against a team; denial of a membership application; and denial of participation in a league or clinic.

No Acting Disciplinary Authority may suspend any player or team from participation in any event other than the immediate event, program or process being administered by that authority. The same restriction applies to probation.

## B. Sanctions by the Judicial Committee through Formal Complaint Process

The Judicial Committee is not limited in its range of sanctions, except by the requirement that the penalty be proportionate to the severity of the action or its consequences. Such sanctions may include, but are not limited to, any sanctions that an Acting Disciplinary Authority may impose, public or private censure, demand of public or private apology, demand of completion of service to the ultimate community, probation, and suspension from participation in USA Ultimate events.

At any time during the complaint process the Judicial Committee, or the Staff, with notice to the Judicial Committee if a majority of the Judicial Committee cannot be reached in a timely fashion, may temporarily impose penalties or suspend imposed penalties on affected parties until the matter is fully resolved. For example, this may mean that a USA Ultimate member may or may not be allowed to compete in USA Ultimate sponsored events until the final resolution of an appeal.

Suspensions or penalties occurring for a period of time longer than one (1) year may be reviewed annually by the Judicial Committee upon request.

## C. Other Sanctions by the Judicial Committee

In the event that criminal charges have been filed against a member or a criminal conviction of a member, the Judicial Committee may impose sanctions on a member, if, in its sole discretion, the Judicial Committee deems the member to be a potential danger to the ultimate community or deems the alleged criminal conduct to violate the Code of Conduct.

In the event a Local Disc Organization notifies USA Ultimate of sanctions imposed on a member of their local community, the Judicial Committee, in its sole discretion, may adopt the findings and/or sanctions of the Local Disc Organization, impose an additional sanction, or request that the Local Disc Organization begin a formal complaint process through USA Ultimate.

In the event another National Governing Body of any sport imposed a suspension, the Judicial Committee, in its sole discretion, may adopt the findings and/or sanctions of the National Governing Body or impose an additional sanction.

All suspensions under this subsection C are appealable to the Judicial Committee under the Administrative Grievance Policy set forth below.

#### D. Publication of Decisions

The Judicial Committee may, in their sole discretion, publish specific or general summaries of decisions made and sanctions imposed in connection with the enforcement of this Policy for the purpose of providing guidance ("Published Guidance"). Published Guidance shall not refer specifically to the parties involved and shall be redacted to the extent practicable. Published Guidance shall be made available to the public on the USA Ultimate website.

#### E. Publications of Suspensions or Bans

If a member is suspended or banned, the name of the member, date of the decision, duration of the suspension or ban, jurisdiction in which the individual is located, bylaw, rules or policy violated, or other information deemed relevant by the Judicial Committee in its sole discretion shall be published on the USA Ultimate website for the duration of the suspension or ban.

### **VI. SUMMARY**

The USA Ultimate expects all players to treat one another with respect, and to be truthful and considerate in their dealings within the organization and the greater ultimate community. These standards of conduct are maintained by the strong tradition of etiquette and sportsmanship within the ultimate community, and by good-faith resolutions of disputes among the parties involved.

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## **USA ULTIMATE ADMINISTRATIVE GRIEVANCE POLICY**

### **I. INTRODUCTION**

The USA Ultimate Administrative Appeal Policy (this "Policy") has been developed to provide an opportunity for a member, team, or group of members of USA Ultimate (the "USA Ultimate") to appeal a decision made by a member of the USA Ultimate Administration. This Policy differs from the USA Ultimate Conduct Policy in that it is not limited to the review of the conduct or decisions related to conduct. Instead, this appeal process provides a formalized and meaningful opportunity for USA Ultimate members who feel aggrieved by an administrative decision to have that decision reviewed.

### **II. APPEAL PROCESS**

The process and standards set forth in this Policy are similar in form and substance to the formalized complaint process set forth in the USA Ultimate Conduct Policy. Appeals are heard by the Judicial Committee who is familiar with the similar process, timing and deadlines set forth in the USA Ultimate Conduct Policy. This provides familiarity and ease of use for USA Ultimate members while at the same time promotes consistency and efficiency in decision-making.

#### A. Initiating the Appeal Process

Any USA Ultimate member, team, individual or group who has been actually aggrieved by an Administrative Decision (defined below) made by a USA Ultimate staff member, or their agents including, but not limited to, USA Ultimate committees and volunteers, may file a formal appeal against a decision with the USA Ultimate Secretary. No appeals may be made on behalf of another person or individual.

For the purposes of this Policy, an "Administrative Decision" is any decision made by a USA Ultimate staff member, committee, or volunteer, or its designee (referred to as the "Administrative Decision Maker") which is an application of existing USA Ultimate Policy and directly affects a USA Ultimate member, team, or group of members, such as decisions involving rosters, eligibility and sanctioning of USA Ultimate events. This is to be distinguished from broader policy or strategy decisions made by the USA Ultimate administration and

USA Ultimate Board of Directors such as changes to the structure of the national college or club series, the roles and responsibilities of observers, or budgetary decisions that have only indirect impacts on a specific USA Ultimate member, team or group of members. Appeals made under this Policy are concerned with administrative decisions with a specific, direct and immediate impact on an aggrieved party.

The appellant must complete an Appeal Form (attached hereto as [Exhibit C](#)) and submit the form to the Chair of the Judicial Committee within one-hundred fifty (150) days of the conduct in question. The Judicial Committee shall have the discretion to grant complainants extensions of this deadline. Multiple appeals by different parties regarding a single decision may be consolidated and treated as a single appeal.

The Judicial Committee will determine whether an appeal is sufficiently credible to warrant a hearing. In making this determination the Judicial Committee may consult with appropriate USA Ultimate staff members. In the event that the Judicial Committee determines that an appeal is not sufficient to warrant a hearing, it shall notify the appellant in writing of its determination. In the event the appeal is deemed credible, the Judicial Committee will inform the Administrative Decision Maker and any other involved USA Ultimate staff members of the appeal. The Administrative Decision Maker will have thirty (30) days, or such shorter or longer period as the Judicial Committee determines, to submit a written explanation of the rationale behind the decision to the Judicial Committee.

## B. Review of the Administrative Decision

### 1. Review of the Administrative Decision by the Judicial Committee

The Judicial Committee shall review the Administrative Decision and explanation of the Administrative Decision Maker upon receipt. Within five (5) days of receipt, the Judicial Committee may validate or reconsider the Administrative Decision.

(a) Validation. If the Judicial Committee validates the Administrative Decision, the Administrative Decision shall become the final decision of the Judicial Committee.

(b) Reconsideration. The Judicial Committee may reconsider the Administrative Decision if, in the Judicial Committee's reasonable judgment either (i) the Administrative Decision significantly departs from existing precedent; (ii) the impact of the Administrative Decision on the appellant is grossly disproportionate to the situation in question; (iii) the Administrative Decision clearly misinterprets existing rules regulations, policies or (iv) if significant new information has been presented which may affect the facts and circumstances involved in the Administrative Decision. Reconsideration may not necessarily result in modifications of or changes to the Administrative Decision.

If the Judicial Committee chooses to reconsider the Administrative Decision it may conduct its own independent investigation and may incorporate any new information presented into its decision-making process.

The Judicial Committee's final decision (the "Judicial Committee Decision") shall be communicated in writing to the affected parties within thirty (30) days of receiving the appeal. Unless otherwise stated, its decision shall take effect immediately.

The Judicial Committee reserves the right to shorten or lengthen the time periods set forth above in its sole discretion due to either the (a) time sensitive nature of a particular issue or (b) in order to ensure that the involved parties have a meaningful opportunity to avail themselves of the full appeal process. Any changes to deadlines contained herein must be expressly communicated to the involved parties in writing immediately after the decision has been made by the Judicial Committee.

Rulings on appeals of Administrative Decisions are based on majority vote when no consensus can be reached. In the event of a tie, the Chair of the Judicial Committee casts the deciding vote. For the purposes of this Policy, any USA Ultimate staff member who is a member of the Judicial Committee must abstain from voting.

### 2. Appeals

According to Article X of the current USA Ultimate Bylaws ([Grievances and Appeals](#)), a decision of the Judicial Committee may only be appealed through arbitration (Section 10.13).

### **III. PUBLICATION OF DECISIONS**

The Judicial Committee and/or Board may, in their sole discretion, may publish specific or general summaries of decisions made and sanctions imposed in connection with the enforcement of this Policy for the purpose of providing guidance ("Published Guidance"). Published Guidance shall not refer specifically to the parties involved and shall be redacted to the extent practicable. Published Guidance shall be made available to the public on the USA Ultimate website.

### **VI. SUMMARY**

This Policy provides a meaningful opportunity to appeal decisions made by the USA Ultimate Administration which directly impact USUA members and helps ensure that consistent and fair Administrative Decisions are made.

## **EXHIBIT B**

### USA Ultimate Hearing Panel Procedures

Last Updated November 13, 2019

The following procedures provide a guideline for Hearing Panels to conduct hearings under the provisions of Section 10.8 of USA Ultimate's Bylaws, unless the circumstances of a particular situation require otherwise.

#### 1. Administrative Proceeding Issues:

(a) The hearing shall be closed to the public with the exception of the Hearing Panel, the parties and their counsel.

(b) Each party is entitled to call witnesses, produce evidence and submit information supporting the party's position and is entitled to be represented by a representative or counsel.

(c) Conformity to legal rules of evidence will not be necessary.

(d) The hearing shall be informal, except that testimony shall be taken under oath.

(e) 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.

#### 2. Procedural Issues:

(a) Order of Hearing:

(i) Disposition of any Motions

(ii) Opening Statements (time limit established by Chair of Hearing Panel):

(I) Complainant

(II) Respondent

(iii) Presentation of Evidence:

(I) Complainant's Case:

(1) Presentation of evidence, accounts and witness testimony

(2) Cross examination by Respondent

(3) Questions by Hearing Panel

(II) Respondent's Case:

(1) Presentation of evidence, accounts and witness testimony

(2) Cross examination by Complainant

(3) Questions by Hearing Panel

(iv) Closing Statements (time limit established by Chair of Hearing Panel):

- (I) Complainant
- (II) Respondent
- (III) Complainant's rebuttal

(b) Evidence:

(i) Witness Testimony:

- (I) Complainant and Respondent, and their respective representatives or counsel, will have the right to call and/or question witnesses.
- (II) The Hearing Panel will also have the right to question witnesses.
- (III) The Hearing Panel may limit the number of witnesses if to do so is believed necessary to maintain an orderly and timely hearing, yet affords a fair opportunity of the parties to be heard.

(ii) Documentary evidence will be exchanged by the parties in advance of the hearing, if and to the extent practicable, with copies of all documents provided to the Hearing Panel.

(c) Burden of Proof:

- (i) Burden of proof rests with the Complainant
- (ii) Burden of proof is by a preponderance of the evidence

3. Decision:

- (a) The Hearing Panel will deliberate in closed session and will have an opportunity to review all evidence presented.
- (b) A decision shall be made by a majority of the Hearing Panel.
- (c) The decision shall be in writing and include the grounds for the decision based on the evidence.
- (d) The decision shall be distributed to the parties.
- (e) The Hearing Panel's decision will be final and binding unless a party is entitled to seek arbitration as referred to in item number 4 below.

4. A party may be entitled to pursue arbitration with the American Arbitration Association if allowed under the provisions of Section 10.12 of USA Ultimate's Bylaws, including if the Hearing Panel's decision involves Right to Participate grievance with respect to which arbitration is allowed as referred to in, and in accordance with, applicable provisions of the Ted Stevens Olympic Amateur Sports Act and the USOC Bylaws.

