

I. GENERAL PURPOSE

This policy sets forth the procedures for the USA Ultimate judicial process involving violations of USA Ultimate policies, including but not limited to, violations of the [Conduct Policy](#) and the Athlete Safety and Protection Policy. This policy is administered by the USA Ultimate Judicial Committee (the “committee”) or a hearing panel designated by the committee (the/a “panel”).

II. JUDICIAL COMMITTEE COMPOSITION

The committee will consist of those members appointed by the board of directors, in compliance with the [USA Ultimate Bylaws](#). The number of members sitting on the committee will be set by the board, and members of the committee and the chair can be any member of USA Ultimate.

III. JUDICIAL COMMITTEE AUTHORITY

The committee, established by the bylaws of USA Ultimate, is responsible for the review of allegations against any member or prospective member for violation of the USA Ultimate policies (the “policies”). The committee has the authority to take the following actions, without limitation:

- a. Suspend membership for a definite or indefinite period of time with or without terms of probation or reinstatement, fine or expel any member of USA Ultimate, as well as any person participating in any capacity in the activities of USA Ultimate, its State-Based Organizations or affiliates, whether such person is a member of USA Ultimate or a prospective member who has violated any of USA Ultimate’s rules or Policies, or who aids, abets and encourages another to violate any such rules or Policies.
- b. Temporarily impose penalties or suspend imposed penalties on a member or prospective member while a complaint (as defined below) is pending.
- c. Impose and enforce penalties for any violation of the Policies in a manner other than those listed above that the committee or panel deems appropriate, including but not limited to probation, censure, and victim restitution, where applicable.
- d. Determine the eligibility and right to compete of any athlete.
- e. Vacate, modify, sustain, reverse or stay any decision of USA Ultimate or order properly submitted on appeal, or remand the matter for further action.
- f. Modify an existing decision of the Judicial Committee or a panel based on the receipt of new information.
- g. Interpret any provision of the policies of USA Ultimate.

- h. Review any revocation, suspension, reinstatement of membership or challenge the granting or denial of membership.
- i. Adopt the findings and/or sanctions of state-based organization, affiliates, or other local disc organization, impose an additional sanction, or request that the local disc organization file a complaint.
- j. Adopt the findings and/or sanctions of any National Governing Body or International Governing Body, or impose an additional sanction.
- k. Adopt the findings and/or sanctions of any governmental entity including, without limitation, the criminal or civil court systems.

Any suspension by USA Ultimate under subsections i and j above where USA Ultimate adopts a penalty of a third party, is appealable to the Judicial Committee under the Administrative Appeals set forth in Section V below.

IV. COMPLAINT PROCESS

- a. The USA Ultimate judicial process begins with the filing of a report of misconduct (a “complaint”) according to the process outlined in the [USA Ultimate bylaws](#).
- b. A complaint may be filed by any member, prospective member, aggrieved party or USA Ultimate staff and should set forth the allegations of conduct that may be in violation of the Policies.
- c. Upon receipt of a complaint, the committee will determine whether the information is sufficient to warrant review and formation of a panel. In making their initial determination, the committee may consult USA Ultimate staff and, in the committee’s discretion, request that the USA Ultimate staff investigate the allegations laid out by the complaint and provide a recommended course of action.¹
- d. In the event that the committee determines a complaint is insufficient to warrant review, the committee will notify the complainant in writing of its determination. If the complaint is deemed credible, the committee will inform the complainant and will also inform the respondent of the complaint, making known to them the allegations being charged.
- e. The respondent will have thirty days, or such shorter or longer period as the Judicial Committee determines in its discretion, to submit a written response to the Judicial Committee. Upon receipt of the response, a panel will be convened to review the

¹ This is not a mandate on USA Ultimate staff, but the committee has the discretion to request investigations in cases that warrant such action. Typically, a case involving a violation of the Athlete Protection Policy is more likely to merit investigation than an incident between two adult parties on the field of play.

complaint and the response to the complaint.

- f. All parties to the complaint or the panel may request a telephone or virtual hearing. A panel may also give the parties an opportunity to submit additional written materials in lieu of or in addition to a hearing. Whether or not a hearing is requested, the panel will consider all written evidence submitted. The panel shall have the discretion to share written materials submitted to it with the other party, in whole or in part, and to give them the opportunity to respond.
- g. At any time in the process, a panel may ask the parties questions.

V. ADMINISTRATIVE APPEALS

- a. Any USA Ultimate member, 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 Judicial Committee (an “Administrative Appeal”). No appeals may be made on behalf of another person or individual.
 - i. An "Administrative Decision" is any decision made by a USA Ultimate staff member, committee, or volunteer, or its designee 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.
- b. In the event that the committee determines that an Administrative Appeal is insufficient to warrant review, the committee will notify the appellant in writing of its determination. If the complaint is deemed credible, the committee will inform the appellant and USA Ultimate staff.
- c. USA Ultimate will have thirty days, or such shorter or longer period as the Judicial Committee determines, in its discretion, to submit a written response to the Judicial Committee. Upon receipt of the response, a panel will be convened to review the appeal and the response.
- d. All parties to the Administrative Appeal or the panel may request a telephone or virtual hearing. A panel may also give the parties an opportunity to submit additional written

materials in lieu of a hearing. Whether or not a hearing is requested, the panel will consider all written evidence submitted.

- e. At any time in the process, a panel may ask the parties questions.

VI. HEARINGS

If a hearing is requested, the hearing will take place using the following procedures:

a. General Hearing Issues:

- i. Each party is entitled to representation of their choosing at the hearing, whether legal counsel or designated advocate (a “representative”).
- ii. The hearing will be closed to the public with the exception of the panel, the parties, their representative, or other persons approved by the panel.
- iii. Each party is entitled to call witnesses, produce evidence and submit information supporting the party's position.
- iv. Conformity to formal rules of evidence is not necessary, provided, however, that the rules of evidence generally accepted in administrative proceedings shall apply.
- v. The hearing will be informal, except that testimony will be taken under oath.
- vi. A party may have a written record made of the hearing, as described in the [USA Ultimate bylaws](#). The hearing may be recorded by the panel. Any record of the hearing will be considered confidential.

b. Hearing Procedure:

i. Pre-hearing administration

- 1. As of a deadline determined by the panel prior to the hearing, all parties must submit any additional documents they wish the panel to review and a witness list of all witnesses with a very short description of the topics such witnesses will cover.
- 2. As of a deadline determined by the panel, each party will also have the opportunity to request a separate hearing (as described below).

ii. Order of hearing:

1. Opening statements (time limit established by the chair of the panel):
 - a. Complainant
 - b. Respondent
- iii. Presentation of witness testimony:
 1. Complainant's case
 - a. Presentation of witness testimony
 - b. Cross examination by respondent
 - c. Questions by the panel
 2. Respondent's case:
 - a. Presentation of witness testimony
 - b. Cross examination by complainant
 - c. Questions by the panel
- iv. Closing statements (time limit established by the chair of the panel):
 1. Complainant
 2. Respondent
 3. Complainant's rebuttal
- c. Witness Testimony:
 1. Complainant and respondent, and their respective representatives or counsel, will have the right to call and/or question witnesses.
 2. The panel will also have the right to question witnesses.
 3. The panel may limit the number of witnesses if it is believed necessary to maintain an orderly and timely hearing, while affording a fair opportunity for the parties to be heard.

4. The panel has the discretion to limit cross examination.²

d. Standards of Proof:

- i. The Complainant has the burden of proof and is responsible for providing sufficient information to establish their case by a preponderance of the evidence. A preponderance of the evidence means more likely than not.

e. Decision:

- i. The panel will deliberate in closed session and will have an opportunity to review all evidence presented. A decision will be made by a majority of the panel.
- ii. The decision will be in writing and include the grounds for the decision based on the evidence as well as the disciplinary action taken, if any. The decision will be distributed to the parties and USA Ultimate.

f. Other Hearing Issues

i. Separated Hearings

1. In its discretion, a panel can hold a hearing where the parties are separated. Parties will independently present their case to the panel and be subject to questioning by the panel.³
2. In determining whether or not to allow a separated hearing, the panel will weigh protection of witnesses from disclosing sensitive information against the evidentiary value of cross examination and the ability for the parties to understand evidence submitted by the other party.
3. The panel has the discretion to share information learned in closed sessions from the other party and seek rebuttal.

ii. Hearing Attendance

1. It is not required for a party who did not request a hearing to the complaint to attend. However, it is strongly encouraged as any panel will not have the ability to hear opposing opinions, and it will hamper their ability to make an informed decision.

² In cases where a minor is a witness, it's more likely that cross examination would be limited.

³ Generally, separated hearings are appropriate in cases involving minor parties, sexual misconduct or child abuse. A separate hearing is not granted lightly because it can reduce the evidentiary value of testimony without cross examination.

iii. Expedited Hearings

1. In the event that a complaint or Administrative Appeal is time sensitive, any timeframes set forth in this policy may be accelerated and procedures altered at the discretion of a panel or the committee to ensure expeditious review.

VII. Arbitration

In order to appeal a determination of a panel, a party may be entitled to pursue arbitration with the American Arbitration Association if allowed under the provisions of Section 10.13 of USA Ultimate's Bylaws, including if the panel's decision involves a 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 USOPC Bylaws. Filing fees and other costs associated with arbitration are the responsibility of the appealing party.

VIII. Miscellaneous

a. Temporary Suspension by USA Ultimate Staff

In the event that USA Ultimate is made aware of conduct that violates its policies, USA Ultimate staff may impose a temporary suspension in lieu of the committee if a majority of the committee cannot be reached in a timely manner or in case of an emergency as deemed by the CEO of USA Ultimate.

b. Failure to respond

If a respondent to a complaint does not respond, USA Ultimate will make a good faith effort to contact the respondent. If there is no response after such an effort, the committee may deem the failure to respond as a default, and will treat the allegations in the complaint as uncontested.

c. Confidentiality

With respect to complaints, the committee, in its discretion, will make reasonable efforts to protect the privacy of individuals involved in the process, while balancing the need to gather information to assess a complaint. Information will be shared as necessary with USA Ultimate staff and counsel, witnesses and the parties. USA Ultimate reserves the right to notify guardians of any party regarding any health or safety risk. Any public statement by a party or witnesses will waive any expectation of privacy from USA Ultimate, if any such expectation exists.

The parties, including but not limited to the complainant, victim, respondent, advocates, and witnesses, are expected to keep information learned or accessed exclusively through the judicial process confidential. This includes but is not limited to the decision, any investigation report, any documents or evidence attached to any report, interview statements of any witness, recordings or transcripts of any hearing, documents and/or evidence submitted to the panel. Sharing such information beyond the parties involved in the process may be viewed by the committee as a violation of this expectation and may be subject to sanctions at the discretion of the committee. This includes the sharing of documentation

provided to the parties as part of the judicial process. Information known by the parties prior to the judicial process, or learned separately during or following the process, is not subject to this expectation for confidentiality.

USA Ultimate reserves the right to share information related to its judicial process including, without limitation, confidential information, in its sole discretion. This may include, for example, sharing information with local disc organizations or correcting inaccurate information.

d. Publishing of decisions

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 committee in its sole discretion will be published on the [USA Ultimate website](#) for the duration of the suspension or ban.

e. Harassment

If a complaint or appeal is filed with the intention of harassment or is otherwise for non-substantive purposes, is expressly prohibited. The filing of such a complaint will be considered a violation of the [USA Ultimate Conduct Policy](#) and is subject to suspension under the terms of this policy.