

U.S. PARALYMPICS
ATHLETE SELECTION PROCEDURES
2013 IPC LONG COURSE WORLD CHAMPIONSHIPS
SWIMMING
October 31, 2012

1. SELECTION SYSTEM

1.1. Provide the minimum eligibility requirements for an athlete to be considered for nomination to the Team:

1.1.1. Nationality/Passport requirements:

Athlete must be a national of the United States at the time of nomination.

Athlete must hold a valid U.S. passport that will not expire for six months after the conclusion of the 2013 IPC Swimming World Championships.

1.1.2. Minimum International Paralympic Committee (IPC) standards for participation:

Any competitor in the Olympic, Paralympic, Pan American or Parapan American Games must be a national of the country of the National Olympic Committee (NOC) or National Paralympic Committee (NPC) which is entering such competitor. For additional information regarding an athlete who is a national of two or more countries, has changed his or her nationality or acquired a new nationality, refer to the IOC Charter (Rule 42), the IPC Handbook (Section 2, Chapter 3.1), or the PASO Statutes (Article XXII, Sections 4 and 5).

1.1.3. Minimum International Federation (IF) standards for participation (if any):

- The USA may enter up to three (3) athletes in each individual event offered at the 2013 IPC Swimming Long Course World Championships (“World Championships”). An athlete must achieve the IPC Swimming World Championships Minimum Qualification Standard (“MQS”) in each event to be entered during an IPC Swimming Approved or Sanctioned competition between the published qualification timeframe. IPC Swimming Approved or Sanctioned events, the 2013 IPC Swimming World Championships MQSs and qualification timeframe will be posted at www.paralympic.org when available.

- Athletes must hold a current IPC Swimming license for the 2013 season. Please contact Erin Popovich at erin.popovich@usoc.org for more information regarding licensing.

1.1.4. Other requirements (if any):

- At the time of nomination an athlete must have an IPC Swimming International Classification with an international sport class status of R-Review or C-Confirmed, or if there has been no opportunity for the athlete to be internationally classified, the athlete must be evaluated by USOC medical and Paralympic staff and determined likely to classify in the sport class in which he/she would be qualified for the Team; provided that athletes with an international sport class status of N-New are allowable for entry on the official team nomination into these World Championships. A description or sport-specific classification requirements and current athlete classification status can be found at the IPC website at www.paralympic.org.
- An athlete must meet the IPC Swimming World Championships Minimum Qualification Standard (MQS) in his or her selection event during the 2013 Spring CanAm Championships / World Championships Selection Meet ("2013 Spring CanAm") April 4 – 6, 2013, Minneapolis, MN, unless nominated to the team via discretionary selection (see Section 2). The IPC Swimming World Championships Minimum Qualification Standards will be posted online at www.usparalympics.org as soon as they become available.

1.2. Tryout Events:

- 1.2.1. Provide the event names, dates and locations of all trials, events and camps to be used as part of the selection process.

2013 Spring CanAm
April 4 – 6, 2013
University of Minnesota Aquatics Center
Minneapolis, MN, USA

- 1.2.2. Provide event names, dates, locations and description of how athletes qualify for the trials, events and camps listed above in 1.2.1. (if any).

Athletes must achieve 2013 Spring CanAm Qualifying Time Standards, as listed in the meet information packet, to compete in the 2013 Spring CanAm. The meet information packet, including a list of events at which 2013 Spring CanAm qualifying standards may be achieved, is available at www.usparalympics.org OR www.swimming.ca.

- 1.3. Provide a comprehensive, step-by-step description of the method that explains how athletes will go through the selection process to become Team nominees (include maximum Team size).

Team Size. U.S. Paralympics Swimming will field a maximum team size of twenty-five (25) if team size is at the discretion of the National Paralympic Committee ("NPC"), or will field the designated team size if athlete slots are allocated to each NPC by the IPC. The final team size will be determined by implementing the selection criteria detailed herein. For purposes of the Procedure, the men's and women's components of the Team shall be considered together, unless slots are allocated by gender from the IPC.

1. Team Selection

- a. Modified World Rankings

Qualification for the 2013 World Championships Team will be based on the Modified World Rankings (MWR) for events on the program of the World Championships.

The MWR will be the IPC Swimming World Rankings covering the period from January 1, 2012, through April 1, 2013, with two modifications:

- i. All USA athletes listed in the IPC Swimming World Rankings will be removed; and
- ii. A swimmer's best time in each event swum (from either preliminaries or finals) at the 2013 Spring CanAm that meets the MQS will be entered into the rankings.

- b. Selection Rounds

A swimmer's highest ranked event in the MWR will be his/her selection event. Selection rounds will occur as follows:

- i. First-round nominations will be those swimmers who rank 1st overall in the MWR.
- ii. Second-round nominations will be those swimmers who rank 2nd overall in the MWR.
- iii. Third-round nominations will be those swimmers who rank 3rd overall in the MWR.
- iv. Discretionary Selection (Section 2.2) may be used to fill a maximum of 4 team slots total (and a maximum of 2 men and 2 women by gender).
- v. Swimmers who rank 4th overall in the MWR, provided that the time is within 2.0% of the third ranked time, will be added to the team.
- vi. Swimmers who rank 5th overall in the MWR, provided that the time is within 2.0% of the third ranked time, will be added to the team.

- vii. Swimmers who rank 6th overall in the MWR, provided that the time is within 2.0% of the third ranked time, will be added to the team.
- viii. Swimmers who rank 7th overall in the MWR, provided that the time is within 2.0% of the third ranked time, will be added to the team.
- ix. Swimmers who rank 8th overall in the MWR, provided that the time is within 2.0% of the third ranked time, will be added to the team.
- x. Swimmers who rank 4th through 8th overall in the MWR in three or more events will be added to the team.
- xi. Swimmers who rank 4th through 8th overall in the MWR in two events will be added to the team.
- xii. Swimmers who rank 4th (and beyond, #5, #6, etc.) overall in the MWR, provided that time is within 5.0% of the third ranked time, will be added to the team.
- xiii. Swimmers who rank 4th (and beyond, #5, #6, etc.) overall in the MWR will be added to the team.

c. Tie-Breaking Procedures

- i. If two or more swimmers have the same ranking for their selection event(s), and these athletes are tied for the final team slot(s), the relevant swims will be ranked in order of each swim's percent comparison ("P") to the IPC Swimming World Record in that event as of April 1, 2013.

$$P = (\text{swim time} / \text{World Record}) \times 100$$

All comparisons will be rounded to the nearest one-tenth of a percent. A lower comparison (P=101.4%) is better than a higher comparison (P=102.7%).

- ii. If a tie persists, the swimmers' next best event ranking in the MWR will be compared. In the instance where two or more tied swimmers have only one event in the MWR, then discretionary selection (see Section 2.2.) will be used to break the tie.
- iii. In the instance that the swimmers' next best event rankings are also the same, the relevant swims will be ranked as per the World Record percent comparison (Section 1.3.1.c.i.).
- iv. This tie-break procedure will continue to the swimmers' third best event ranking, and beyond if necessary, until the tie is broken.

- d. Each swimmer selected to the team through Selection Rounds based on the MWR as described above (Section 1.3.1.b.) will be entered into his/her selection event.

- e. Each swimmer selected to the team through Discretionary Selection (Section 2.2.) will be entered into his/her selection event as determined by the Discretionary Selection Committee (Section 2.3).
- f. The U.S. Paralympics Swimming High Performance Director, in consultation with each swimmer, may assign additional entry event slots for that swimmer, taking into consideration the following:
 - i. The swimmer's ranking in each event in the IPC Swimming World Rankings;
 - ii. The swimmer's number and schedule of events;
 - iii. The likelihood of the swimmer winning a medal in the event;
 - iv. The desire of the swimmer to enter the event;
 - v. Other historical performances in the event.
- g. The USA may enter up to three (3) athletes in each individual event. In the instance that more than three athletes meet the event MQS and desire to enter the event, the athletes with the highest rankings in the event in the IPC Swimming World Rankings as of the World Championships entry deadline will be offered the event entry.

2. Relay Entries at the World Championships

The Head Coach, in consultation with the Assistant Coaches (and the U.S. Paralympics Swimming High Performance Director if not already part of the World Championships coaching staff), shall select the swimmers for each relay conducted at the World Championships.

All swimmers who are nominated to the Team shall be eligible for selection to any and all relays on the program at the World Championships. Start rights in relays will be assigned at the competition. In selecting the relay teams, the following performance-related information shall be considered:

- Building a team that is most likely to medal in the event (while complying with the IPC Swimming 20pt, 34pt, and 49pt relay rules);
- Individual swimmers' performances at the 2013 IPC Swimming World Championships;
- Individual swimmers' performances at the 2013 Spring CanAm;
- Other historical performances of the individual swimmers;
- The number and schedule of events for each swimmer

2. DISCRETIONARY SELECTION (if applicable)

2.1. Provide rationale for utilizing discretionary selection (if any):

The purpose of discretionary selection is to allow U.S. Paralympics the ability to nominate the best physically, psychologically, and technically prepared athletes to the 2013 U.S. Paralympics Swimming World Championships Team who are capable of a top three (podium) result, who can positively impact team performance, or those who are considered to be on track to produce a top three result in the near future.

The U.S. Paralympics Discretionary Selection Committee for Swimming will evaluate and recommend athletes to be nominated to the team via discretionary criteria, in order to field the strongest, most sound, and medal-capable team for the 2013 IPC Swimming World Championships.

2.2. List the discretionary criteria and explain how they will be used (if any):

The discretionary selection committee will consider the following criteria (in no particular order):

- A minimum of one top three World Ranking during the period from January 1, 2012, through April 1, 2013;
- A minimum of one top three (podium) finish at the 2012 London Paralympic Games;
- The ability to produce medal capable performances under certified conditions within the past 12 months;
- An athlete who demonstrates a trend of improving performance in international competition, that when extended a reasonable distance into the future (i.e. 12 to 18 months), intersects the current international performance standards for a top three (podium) finish;
- An athlete, who despite competing a relatively short time in the sport, is within a reasonable percentage [i.e. 3% to 5%) of the international performance standards for a top three (podium finish].

2.3. Provide the name of the committee that will be responsible for making discretionary selections, along with a complete list of the members' titles currently serving on the committee:

U.S. Paralympics Discretionary Selection Committee for Swimming

Queenie Nichols, U.S. Paralympics Swimming Trip List Coach

Andrew Barranco, U.S. Paralympics Swimming Trip List Coach

Mark Rieniets, U.S. Paralympics Swimming High Performance Committee Member

Jamie Martin, National Teams Manager, USOC Sport Performance

Deb Gruen, Athlete Representative

2.3.1. Specify the process that will be used to identify and handle any potential conflicts of interest involving a member of the committee.

Any member of the selection committee that has a possible conflict of interest must disclose it. If such conflict exists, the selection committee member must recuse him/herself from committee discussions and voting. Further, the committee member should not otherwise influence other members of the committee in the nomination process. However, a committee member who recused him/herself, but who has relevant and necessary information with

respect to athlete performance, for example a national team coach or high performance director, may, if requested by the selection committee, provide such information to the committee so long as such information is provided in a fair and unbiased manner.

3. REMOVAL OF ATHLETES

- 3.1. Prior to acceptance of nominations by the USOC, U.S. Paralympics has jurisdiction over potential nominees.

An athlete who is to be nominated to the Team by U.S. Paralympics may be removed as a nominee for any of the following reasons, as determined by U.S. Paralympics:

- 3.1.1. Voluntary withdrawal. Athlete must submit a written letter to the Team Leader, Sport Performance
- 3.1.2. Injury or illness as certified by a physician (or medical staff) approved by U.S. Paralympics. If an athlete refuses verification of his/her illness or injury by a physician (or medical staff) approved by U.S. Paralympics, his/her injury will be assumed to be disabling and he/she may be removed.
- 3.1.3. Violation of the U.S. Paralympics Code of Conduct (Attachment A).
- 3.1.4. Re-classification of the athlete by the IPC, such that the athlete's qualifying performance would not have qualified him/her for the Team.
- 3.1.5. Removal by the IPC of the event, in which the athlete qualified for the Team, from the program of the 2013 IPC Swimming World Championships.

An athlete who is removed from the Team pursuant to this provision has the right to a hearing per the USOC's Bylaws, Section 9.

- 3.2. Once an athlete nomination is accepted by the USOC, the USOC has jurisdiction over the Team, at which time, in addition to any applicable U.S. Paralympics Code of Conduct, the USOC's Code of Conduct and Grievance Procedures apply. The USOC's Code of Conduct and Grievance Procedures can be found at:
<http://www2.teamusa.org/For-Athletes/Athlete-Ombudsman/Games-Information.aspx>

- 3.3. An athlete may be removed as a nominee to the Team or from the Team for an adjudicated violation of IOC, PASO, IPC, WADA, IF, USADA and/or USOC anti-doping protocol, policies and procedures, as applicable.

4. REPLACEMENT OF ATHLETES

- 4.1. Describe the selection and approval process for determining replacement athlete(s) should a vacancy occur:

- 4.1.1. prior to submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

No replacement of athletes will occur.

- 4.1.2. after submission of Entries by Name to the Local Organizing Committee, including any applicable group or committee:

No replacement of athletes will occur.

5. SUPPORTING DOCUMENTS

U.S. Paralympics will retain the approved Selection Procedures and all supporting documents, including scouting or evaluation forms, etc., and data from the selection process for six months past the closing date of the 2013 IPC Swimming World Championships.

6. REQUIRED DOCUMENTS

In addition to the USOC Code of Conduct, the following documents are required to be signed by an athlete as a condition of nomination to the IPC Swimming World Championships Team and are included as attachments:

- USOC Complaint Procedures for U.S. Paralympics National Teams and Paralympic Programs (Attachment B)

7. PUBLICITY/DISTRIBUTION OF PROCEDURES

The USOC approved Selection Procedures (complete and unaltered) will be posted/published by U.S. Paralympics in the following locations:

- 7.1. U.S. Paralympics Web site: www.usparalympics.org

These procedures will be posted as soon as possible, but not more than five business days following notice of approval by the USOC.

7.2. Other:

Copies of these procedures will be available upon request in print or electronic format from the U.S. Paralympics office at the USOC (719-866-2030).

8. DATE OF NOMINATION

The Nomination of Athletes form, including replacements, will be announced to all athletes and submitted to the USOC on or before:

April 12, 2013

9. MANDATORY TRAINING AND/OR COMPETITION

Specify the location, schedule and duration of mandatory training and/or competition:

The location, schedule and duration of any mandatory training will be announced and posted on the www.usparalympics.org website at least 30 days prior to the start of the mandatory training and/or competitions.

While waivers for any mandatory training will not be unreasonably withheld, waivers will primarily be granted only for illness, injury or other incapacity, or for personal/family emergency. All candidates for the team should arrange for appropriate time off from school, work or other obligations well in advance of team activities. Requests for a waiver may be submitted in writing to the Swimming High Performance Director for review. A written response to all requests will be issued to the athlete within 72 hours of the request.

10. ANTI-DOPING REQUIREMENTS

Athletes must adhere to all IOC, IPC, PASO, WADA, IF, USADA and USOC anti-doping protocols, policies and procedures, as applicable. This includes participation in Out-of-Competition Testing as required by the IOC, IPC, PASO, WADA, IF, USADA and USOC Rules, as applicable.

11. DEVELOPMENT OF SELECTION PROCEDURES

The following committee/group (include names and titles) was responsible for creating these Selection Procedures:

Julie O'Neill, Team Leader, USOC Sport Performance
Queenie Nichols, U.S. Paralympics Swimming Trip List Coach
Jamie Martin, National Teams Manager, USOC Sport Performance
Sarah Castle, Paralympic AAC Representative

12. NGB/PSO/HPMO BYLAWS AND GRIEVANCE PROCEDURES

The USOC Complaint Procedures for U.S. Paralympics National Teams and Paralympic Programs are included with this document as Attachment B.

13. INTERNATIONAL DISCLAIMER

These procedures are based on IPC rules and regulations as presently known and understood. Any change in the selection procedures caused by a change in IPC rules and regulations will be distributed to the affected athletes immediately. The selection criteria are based on the latest information available to U.S. Paralympics. However, the selections are always subject to unforeseen, intervening circumstances, and realistically may not have accounted for every possible contingency.

If any force of nature, or force majeure, should cause the alteration or cancellation of any of the selection events listed in this document, these selection procedures will be revised, pursuant to their resubmission to the USOC.

14. ATHLETE OMBUDSMAN

Athletes who have questions regarding their opportunity to compete that are not answered by U.S. Paralympics may contact the USOC Athlete Ombudsman, John W. Ruger, by:

- Telephone at (719) 866-5000
- Toll-free telephone at (888) ATHLETE (1-888-284-5383)
- E-mail at john.ruger@usoc.org
- <http://www2.teamusa.org/For-Athletes/Athlete-Ombudsman.aspx>

15. NGB/PSO/HPMO SIGNATURES

I certify that I have read and understand the standards/criteria set by our IF and/or CF (PAG/PPAG only) and incorporated those standards/criteria into our Selection Procedures. I further certify that the information provided herein regarding Athlete Selection Procedures represents the method approved by U.S. Paralympics.

Position	Print Name	Signature	Date
NGB/PSO/HPMO President or CEO/Executive Director	Charlie Huebner		10/30/2012
Nat. Team Coach, Head Coach, or Nat. Program Director	Julie O'Neill		10/31/2012
USOC Athletes' Advisory Council Representative*	Sarah Castle	<i>Sarah Castle</i>	11/19/2012

* If the USOC AAC Representative has delegated authority to the Alternate AAC Representative to sign the Selection Procedures, attach a letter from the AAC Representative indicating the reason he/she has delegated authority.

* Signature by the Athlete Representative constitutes that he/she has read and understands the Selection Procedures. If the Athlete Representative reads and does not agree with the Athlete Selection Procedures being submitted by the NGB/PSO/HPMO, he/she may submit those reasons in writing to his/her Sport Performance Team.

* If, for some reason, a sport does not have an elected USOC AAC Representative, the NGB/PSO/HPMO must designate an athlete from that sport to review and sign the Selection Procedures.

ATTACHMENT A

UNITED STATES OLYMPIC COMMITTEE
CODE OF CONDUCT
FOR
U.S. PARALYMPIC NATIONAL TEAMS
AND
U.S. PARALYMPIC PROGRAMS

March 3, 2006

ATHLETE PLEDGE AND AGREEMENT

I pledge to uphold the spirit of this Code of Conduct (the “Code”), which offers a guide to my conduct as a member of a U.S. Paralympics National Team or a U.S. Paralympics Team to international competition (the “Team”). This Code applies to those Paralympic sports in which the USOC has not recognized a National Governing Body or a Paralympic Sport Organization to govern the sport. I acknowledge that I have a right to a hearing if my opportunity to compete is denied or if I am charged with a violation of this Code.

I have familiarized myself with the Code and understand that acceptance of its provisions is a condition of my membership on the Team.

As a Member of the Team, I hereby promise and agree that I:

- will abide by all rules related to the Team selection procedures as approved by the USOC;
- have acted and will act in a sportsmanlike manner consistent with the spirit of fair play and responsible conduct;
- will maintain a level of fitness and competitive readiness that will permit my performance to be at the maximum of my abilities;
- will submit to a physical examination by USOC medical personnel if my ability to compete is compromised due to physical injury, illness or incapacity and I understand that such physical injury, illness or incapacity may be cause for my not being selected to the Team, being removed from the Team, or not being allowed to participate if I remain on the Team.
- will not commit a doping violation as defined by the World Anti-Doping Agency (WADA), the United States Anti-Doping Agency (USADA), the International Paralympic Committee(IPC) or USOC rules;

- am not currently serving a doping violation and/or do not have a pending or unresolved doping charge;
- will not engage in any conduct that is criminal under any laws applicable to me, including, but not limited to laws governing the possession and use of drugs and alcohol and providing of drugs to any person and of alcohol to minors;
- am eligible to compete under the rules of the IPC and its pertinent committees, and its pertinent member organizations and under the rules of the USOC;
- will refrain from conduct detracting from my ability or that of my teammates to attain peak performance;
- will respect the property of others whether personal or public;
- will respect members of my Team, other teams, spectators and officials, and engage in no form of discriminatory behavior nor in any form of verbal, physical or sexual harassment or abuse;
- will follow the Team rules, whether set by Team leadership or adopted by consensus, including by way of example, rules regarding curfew and required attendance at Team meetings;
- agree to wear the uniforms approved by the USOC at official activities sponsored by the USOC as directed by USOC Paralympics Division staff, and I agree to compete in the USOC-approved Team uniform, where such a uniform is provided, in competitions at which I am supported by the USOC through its Paralympics Division. I agree to wear the names and logos of USOC Paralympic Team sponsors, suppliers and licensees on Team competition wear, other uniforms and casual wear as provided by the USOC through its Paralympics Division. I agree to not alter any Team uniform, either by removing or obstructing the names or logos of USOC Paralympic Team sponsors, suppliers and licensees or by adding patches, stickers, or other means of displaying unauthorized names, logos or messages;
- agree to not demean or defame the USOC or its sponsors, their names, logos, marks, products or services. I acknowledge that endorsing and supporting USOC Paralympic Team sponsors through my actions and words reflects well on the team and on those supporting the team.
- agree to be filmed, videotaped and photographed, and to have my image and voice otherwise recorded, in any media, during the any event I am attending under the auspices of the USOC, by the USOC's official photographer(s), film crew(s) and video crew(s), and by any other entity authorized by the USOC, under the conditions specified by the USOC. I hereby grant the USOC the irrevocable, perpetual, fully paid-up, worldwide right and license to use, and to authorize third parties to use, in all media, my name, picture, likeness, voice and biographical information for: (1) news and information purposes, (2) promotion of the Paralympic movement and the specific competition(s) in which I compete, (3) promotion of the Team, and (4) promotion of the USOC; in no event may the USOC use or authorize the use of my name, picture, likeness, voice and biographical information for the purpose of trade, including any

use in a manner that would imply an endorsement of any company, product, or service, without my written permission.;

- will not use or authorize the use of photographs, films or videos of myself in my USOC or Paralympic Team apparel or equipment or the use of any USOC logo (including, without limitation, any Paralympic logo) for the purpose of trade, promotion, fund raising or on merchandise, without the prior written consent of the USOC;
- will act in a way that will bring respect and honor to myself, my teammates, the Team, the UOSC, and the United States; and
- will remember that at all times I am an ambassador for my sport, my country and the Paralympic Movement.

ATHLETE OMBUDSMAN

I may contact the USOC Athlete Ombudsman, toll free at 888.ATHLETE (888.284.5383), John.Ruger@usoc.org or www.888athlete.org for further information regarding my rights under this Code that are not answered by US Paralympics.

PARTICIPANTS' AFFIRMATION

I have read and accept this Code of Conduct. I agree to the rules, guidelines, jurisdiction and procedures stated in these documents as a condition of being a member of the Team.

Signature

Date

PARENT/GUARDIAN CERTIFICATION
(For Participants Under the Age of 18 as of Date of Signature)

Signature

Date

Relationship (Parent or Guardian)

ATTACHMENT B

**UNITED STATES OLYMPIC COMMITTEE
COMPLAINT PROCEDURES
FOR
U.S. PARALYMPIC NATIONAL TEAMS
AND
U.S. PARALYMPIC PROGRAMS
January 7, 2008**

Section 1. Jurisdiction.

These Complaint Procedures are applicable to those Paralympic sports in which the USOC has not recognized a National Governing Body or a Paralympic Sport Organization to govern the sport. Only matters concerning those Paralympic sports fall within the jurisdiction of these Complaint Procedures.

Section 2. Designation of Complaints.

The following kinds of complaints may be filed with the USOC:

- a. Administrative Grievance. The USOC or any aggrieved individual may file a complaint pertaining to any matter relating to the cognizance of the USOC, including but not limited to any alleged violation of or grievance concerning any USOC rule, regulation or code of conduct.
- b. Right to Compete. Any athlete, coach, trainer, manager, administrator or official may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individuals opportunity to compete in a USOC sponsored competition.

Section 3. Manner of Filing.

The complainant shall file the complaint with the USOC Chief Executive Officer. 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 complainant.

Section 4. Statute of Limitations.

A complaint filed under these Complaint Procedures shall be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, grievance, denial or threat to deny.

Section 5. Field of Play Decisions.

The final decision of a referee during a competition regarding a field of play decision (a matter set forth in the rules of the competition to be within the discretion of the referee) shall not be reviewable through the procedures for, or the subject of, Administrative Grievances or Right to

Compete Complaints unless the decision is: (i) outside the authority of the referee to make or (ii) the product of fraud, corruption, partiality or other misconduct of the referee. For purposes of this Section, the term “referee” shall include any individual with discretion to make field of play decisions.

Section 6. Hearing Panel.

Upon the filing of a complaint, the USOC Chief Executive Officer shall appoint a hearing panel consisting of three (3) individuals to hear the complaint. The Chief Executive Officer shall also appoint a chair of the hearing panel from among the three individuals appointed. At least one member of the hearing panel shall be an athlete.

The Hearing Panel shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner.

Section 7. Administration.

The USOC General Counsel’s Office shall generally administer and oversee all administrative grievances and right to compete matters filed with the USOC.

Section 8. Conduct of the Proceeding.

The hearing panel shall rule on all motions and other matters raised in the proceeding. If the complaint is not dismissed, the hearing panel shall hold 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, except that testimony shall be taken under oath.

The hearing may be conducted by teleconference, if necessary or convenient to the parties. 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. Members of the hearing panel shall have the right to question witnesses or the parties to the proceeding 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.

Section 9. Expedited Procedures.

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 USOC Chief Executive Officer is authorized to order that the complaint be heard and decided within forty-eight (48) hours of the filing of the complaint. In such a case, the hearing

panel is authorized to hear and decide the complaint pursuant to such procedures as are necessary, but fair to the parties involved.

Section 10. Complaints Involving Selection to 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 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.

Section 11. Decision.

A decision shall be determined by a majority of the hearing panel. The hearing panel's decision shall be in writing, shall state the reasons for the decision and shall be distributed to the parties.

Section 12. Arbitration.

Any party may appeal a decision of the hearing panel to the American Arbitration Association. The arbitrator appointed by the American Arbitration Association shall have the authority to hear the matter anew or if requested by a party to render a decision on a more limited review. Either party may submit the decision of the hearing panel to the arbitrator for the arbitrator's consideration. The arbitrator may give whatever weight or authority to the hearing panel's decision as the arbitrator deems appropriate.