



NATIONAL MEMBER BODY OF THE WORLD DANCESPORT FEDERATION · RECOGNIZED SPORT ORGANIZATION OF THE US OLYMPIC & PARALYMPIC COMMITTEE
DEDICATED TO GROWING THE QUALITY AND QUANTITY OF DANCE IN THE USA

USA Dance Grievance Procedures

- A. **ADMINISTRATION:** In accordance with USA Dance Bylaw Article XIV, other than alleged USA Dance DanceSport Rulebook violations, the Ethics & Judicial Committee (EJC) administers and oversees complaints set forth in Section B below filed with USA Dance. The EJC will strive to hear all complaints in a timely, fair and impartial manner.
- B. **DESIGNATION OF COMPLAINTS:** With the exception of USA Dance division rulebook violations, the following kinds of complaints may be filed with USA Dance's Ethics Committee:
1. **Administrative Complaint.** USA Dance or any member in good standing of USA Dance may file a complaint pertaining to any matter within the administration of the USA Dance, including but not limited to any alleged violation of or complaint concerning:
 - i. any USA Dance policy or procedure,
 - ii. any USA Dance program or service,
 - iii. any provision of USA Dance's Bylaws, or
 - iv. any provision of the Ted Stevens Olympic and Amateur Sports Act relating to USA Dance's recognition as a National Governing Body;
 2. **Disciplinary Proceeding.** USA Dance or any member in good standing of USA Dance may file a complaint against another member of USA Dance, regarding any alleged violation of the USA Dance Code of Ethics or any other rule or regulation relating to conduct.
 3. **Right to Participate.** Any athlete, coach, trainer, manager, administrator or official that is a member in good standing of USA Dance may file a complaint pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in a USA Dance sanctioned competition or protected competition.
- C. **STATUTE OF LIMITATIONS:** A complaint filed under these Bylaws must be filed within one hundred and eighty (180) days of the occurrence of the alleged violation, complaint, denial or



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threat to deny an opportunity to participate. There shall be no time bar for actions regarding the USA Dance SafeSport and Harassment Policy for disciplinary proceedings. The statute of limitations will toll during periods when the respondent to a complaint is not a member of USA Dance.

D. MANNER OF FILING:

1. The complaint must be mailed or emailed as set forth below:
 - i. If by mail to both: Haley Burst and the EJC Chair. Addresses are available by contacting the USA Dance Central Office, 19 Mantua Rd Mt. Royal, NJ, 08061, 800-477-9047
 1. May use courier or mail services, and must provide receipt of service.
 - ii. If by email to both: hburst@talley.com and ethics-chair@usadance.org.
2. The complaint must:
 - i. Be in writing, be dated and signed (ink or electronic signature) by the Complainant(s), and contain a statement by the Complainant(s) attesting to the truth, completeness and accuracy of the statements made in the complaint to the best of their knowledge;
 - ii. Include the Complainant(s)' full name and identifying membership information;
 - iii. Include a concise statement of the nature of, and the facts underlying, the complaint, the individual(s) and/or organization(s) believed to be responsible for the acts or omissions described in the complaint, any supporting documentation, and the relief requested; and
 - iv. Attach copies of any supporting documentation.
3. Complaints Involving Right to Participate in a Competition:
 - i. Where a complaint is filed involving the right of an individual to participate in a competition, the Complainant(s) must include with the complaint a list of all other individuals, together with their contact information, which may be adversely affected by a decision rendered on the complaint.

E. COMPLAINT PROCESSING:

1. The Chair of the EJC may personally review, or may appoint another member of the EJC to review, a complaint to determine whether the complaint meets the requirements of Section B above.
 - i. The EJC will provide notice of receipt of the complaint no later than 10 business days.
 - ii. The EJC will provide notice of its determination to the Complainant(s) no later than 20 business days without just cause for delay.

F. INFORMAL RESOLUTION: If the EJC determines that the complaint meets Section B's



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threshold requirements, it will cause a copy of the complaint to be delivered to the Respondent(s) by mail or email within 10 business days without just cause for delay. Informal resolution is available to the parties, except for SafeSport complaints and complaints against USA Dance or its subordinate entities.

1. If after 20 business days, the parties are unable to reach an informal resolution of the matter, they will inform the EJC, by mail or email, of their status.
2. Should an informal resolution be reached, the parties must inform the EJC, by mail or email, of the terms of resolution.
3. The EJC will prepare and submit a report, no later than 20 business days without just cause for the delay, outlining the terms of resolution to the Complainant(s), Respondent(s), and Board of Directors (BOD).

G. HEARING PROCESS:

1. If informal resolution fails, the Complainant(s) may request a formal hearing by:
 - i. Making a request to the EJC by mail or email; and
 - ii. Paying a \$250 hearing fee by sending a check made out to USA Dance to the address in D(i)(1).
 1. The Complainant(s) may request the hearing fee be waived by submitting a declaration of financial hardship to the EJC by mail or email.
 2. No Hearing fee will be required for Safe Sport or Athlete Safety complaints.
2. Upon receipt of the hearing fee or the declaration of financial hardship, the EJC will:
 - i. Provide notice of receipt of the hearing fee or the declaration of financial hardship to the Complainant(s);
 - ii. Cause a copy of the complaint to be delivered to all Respondent(s); and
 - iii. Provide notice to Respondent(s) of their right to respond to the complaint within 5 business days following the date of said notice.
 1. Any such response must be delivered to the EJC and the Complainant(s) by mail or email within 20 business days of receipt of notice without just cause for the delay.
 2. In Right to Participate complaints, Respondent(s) must submit a list of individuals, together with their contact information, that may be adversely affected by a decision rendered on the complaint.
3. Within 20 business days without just cause for the delay following the receipt and service on Complainant(s) of the Respondent(s) Party's response to the complaint, the EJC will appoint at least three disinterested individuals to serve as the Hearing Panel for the matter. Athlete representation will be at least 33%. One member shall be appointed as the chair.



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- i. The EJC will provide notice of the names of the Hearing Panel to both parties in advance of the hearing and offer the opportunity to submit a pre-hearing motion based upon facts which challenge solely a member's disinterest. A ruling will be rendered by the entire EJC and communicated to both parties prior to the hearing date.
 - ii. The Hearing Panel will determine those individuals who must receive notice of the complaint. The Hearing Panel will then be responsible for providing appropriate notice to these individuals.
 1. Any individual so notified then will have the option to participate in the proceeding as a party.
 2. If an individual is notified of the complaint, then that individual will be bound by the decision of the Hearing Panel even if the individual selects not to participate as a party.
4. Motion to Dismiss: If the respondent contends that jurisdiction of the complaint is improper, that there is some other procedural or jurisdictional defect that would preclude a hearing on the merits, or that the complaint fails to state a claim upon which relief can be granted, it may move to dismiss the complaint.
 - i. Such motion to dismiss will set forth the grounds for dismissal and will be filed within 30 days after receipt of the complaint by the respondent.
 - ii. The complainant will be given the opportunity to submit papers in opposition to the respondent's motion to dismiss.
 - iii. The hearing panel will determine whether or not to have argument on the motion to dismiss.
5. The Hearing:
 - i. Logistics:
 1. The hearing should commence no later than 20 business days after receipt of Response(s) to the Complaint without just cause for the delay.
 2. The hearing may be conducted by teleconference.
 3. Each party may appear personally or may be represented by an attorney, parent or other advocate.
 4. The hearing shall be informal (i.e., not a formal legal proceeding).
 - ii. Procedure:
 1. The Hearing Panel shall rule on all motions and other matters raised in the proceeding, including dismissal prior to Hearing if the matter is resolved. If the complaint is not dismissed, the Hearing Panel shall hold a hearing on the complaint.
 2. The hearing will consist of a single hearing where the Complainant(s) will



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be provided 30 minutes to present arguments and evidence, the Respondent(s) will be provided 30 minutes to respond, the Complainant(s) will receive 10 minutes rebuttal (which should be limited to issues raised in the response), and Respondent(s) will receive 10 minutes of sur-rebuttal (which should be limited to issues raised in the rebuttal).

- a. At its discretion, the Hearing Panel may lengthen these times or provide additional rounds of rebuttal.
- b. Any party may have a record made of the hearing.
- c. A court reporter may be present at the hearing at the request of a party.
 - i. If so, the court reporter must be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided.
 - ii. Any transcript will be paid for by the party requesting the transcript and will be provided to the Hearing Panel within ten (10) days of the hearing at no charge.

3. Evidence: If evidence is to be presented by testimony at the hearing the party or witness(es) providing such testimony must be present at the hearing. Members of the Hearing Panel will have the right to question witnesses or the parties to the proceeding at any time.

6. Decision of Hearing Panel:

- i. The written decision of the Hearing Panel will be submitted to the parties, the EJC and the Board of Directors within 10 business days without just cause for the delay after the conclusion of the hearing.
- ii. The Hearing Panel will seek satisfaction of a preponderance of the evidence standard in making its decision.
- iii. The Hearing Panel shall give deference to resolutions that protect the safety and well-being of athletes.

7. Other:

- i. The Hearing Panel may set such timelines and other rules regarding the conduct of the hearing as it deems necessary.
- ii. The Hearing Panel retains the right to refuse further attendance to any participant to a hearing for reasons including, but not limited to being disruptive, rude, or refusing to follow the rules and procedures set by the Hearing Panel.
- iii. All timelines set forth in Section F and G of this Procedure may be extended if:
 1. All parties to the complaint agree to do so; and
 2. The EJC approves the extension.



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H. EXPEDITED PROCEDURES:

1. When exigent circumstances require an expedited decision, the EJC may hear and decide a complaint within such a shorter timeframe as the committee determines is reasonable under the circumstances.
2. The Complainant(s) may submit a complaint in the format and with the content set forth above and marked "Expedited Consideration Requested" and filed in such manner (overnight express courier or email) as will bring the matter immediately to the attention of the EJC.
3. The EJC will review the complaint and determine whether the allegations meet the threshold requirements of Section B.
4. The EJC (or subset thereof) may hear such matters directly or appoint a Hearing Panel, whichever will aid in the expeditious review of the complaint in a manner consistent with the due process rights of all parties.
5. The EJC or Hearing Panel may alter these procedures to ensure expeditious review and fairness to all parties.
6. The EJC or Hearing Panel may render either an oral or summary written decision, either of which is to be followed within 20 business days without just cause for the delay, if needed, by a full written decision.

I. SANCTIONS GUIDELINES:

1. The Hearing Panel shall consider all relevant testimony, evidence, and documents and render a decision and apply sanctions based on an evaluation of the violation.
2. Sanctions imposed by the Hearing Panel will be reasonable and proportionate to the violation and surrounding circumstances and designed to promote participant welfare.
 - i. General considerations when imposing sanctions include:
 1. Nature and severity of the violation;
 2. Ages of the individuals involved;
 3. Member record and pattern of behavior;
 4. Voluntary disclosure of the violation, cooperation, or demonstration of remorse;
 5. Disposition by law enforcement, if any;
 6. Perceived or real impact on the concerned parties;
 7. Likelihood of rehabilitation; and,
 8. Ability to affect positive change.
3. Types of Sanctions. The Hearing Panel may:
 - i. Issue a private censure. Generally, these sanctions take the form of a warning letter setting forth the specific violation and/or action or inaction that led to the finding of the misconduct or violation, the specific expectation of conforming



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- behavior, and the sanction should a party's behavior or conduct fail to conform.
 - ii. Removal from sanctioned activity. The Hearing Panel may remove the Respondent(s) from a specific event, series of events, or a period of time.
 - iii. Warning with recommendation. The Hearing Panel may issue a warning letter, as set forth above, and mandate a review of behavior within a period of time, or require a party to implement a specific policy or modify a behavior.
 - iv. Suspension. The Hearing Panel may suspend a party for a period of time whereby the individual does not have any of the rights and privileges associated with USAD membership, including the right to be involved in or participate in USAD sanctioned activities. The suspension notification will detail the criteria by which the suspension will be reviewed, lifted, or converted to an alternate sanction.
- J. RECONSIDERATION: A party may request a review of the Hearing Panel's decision based solely on the grounds that an error was made.
- 1. Such a request must occur within ten (10) days of the Hearing Panel's decision and must detail the nature of the error(s) and supportive evidence.
 - 2. The request must be sent via email or mail as for a complaint.
 - 3. The EJC will render a written decision within 20 business days without just cause for the delay, if needed and deliver to both parties and the BoD.
- K. APPEAL: Within 30 days of a decision any party may appeal to the American Arbitration Association (AAA) a decision of a hearing panel of the EJC to initiate the appeal, the appealing party shall file a claim with the AAA with notice to USAS. The arbitrator(s) appointed by the AAA shall have the authority to decide the matter in accordance with the Commercial Rules of the AAA, as provided for by the Ted Stevens Olympic and Amateur Sports Act, as amended from time to time (36 U.S.C. §§ 220501 et seq.). The person commencing the arbitration shall be responsible for any filing fees of the American Arbitration Association, but the fees may be apportioned by the arbitrator(s) pursuant to the Commercial Rules of the AAA. The arbitrator(s) shall have authority to render a ruling on the location of the hearing or proceeding. Hearings and proceedings may also be conducted telephonically if permitted by the arbitrator(s). The award of the arbitrator(s) shall be final, binding and conclusive on all parties. The arbitrator(s) shall issue a reasoned decision explaining the award.
- L. NO RETALIATION: Regardless of outcome, USA Dance will support a complainant(s) and his or her right to express concerns in good faith. USA Dance will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a



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violation of USA Dance's policies and grounds for disciplinary action.

Approved By: USA Dance Board of Directors

Effective Date: TBD

Next Review Date: TBD

Contact Person or Position: Ethics & Judicial Committee Chair