



National Governing Body of DanceSport, Member Organization of the US Olympic Committee, and the World DanceSport Federation



USA Dance Complaint Procedures

- A. **ADMINISTRATION:** In accordance with USA Dance Bylaw Article XIV, other than alleged Rulebook violations, the Ethics Committee administers and oversees complaints set forth in Section C below filed with USA Dance. The Ethics Committee is responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The Ethics Committee may promulgate procedures in addition to those set forth in these Bylaws for the effective administration of complaints filed with USA Dance.
- B. **STATUTE OF LIMITATIONS:** The Statute of Limitations is set forth in USA Dance's Bylaws.
- C. **MANNER OF FILING:** The Complainant must file the complaint with the Ethics Committee.
1. The complaint will set forth in clear and concise language, in numbered paragraphs:
 - a. the alleged violation, complaint, denial or threat to deny, and
 - b. the remedy requested.
 2. The Complainant must sign the complaint in the presence of a notary. The following language must be added before the Complainant's signature, attesting to the accuracy of the complaint: "I certify the allegations in this document are true and correct to the best of my knowledge." The following language should appear before the notary's signature "Subscribed before me on the ____ day of ____ in the year ____." The complaint must be sent to the Chair of the Ethics Committee.
- D. **COMPLAINT PROCESSING:**
1. The chair of the Ethics Committee may personally review, or may appoint another member of the Ethics Committee to review, a Complaint to determine whether the Complaint sufficiently complies with the manner of filing described above and/or adequately a violation of an area described in Section C above. If after this review it is determined the Complaint does not sufficiently comply the manner of filing, the chair of the Ethics Committee will return the Complaint to the Complainant. The Complainant may correct and re-submit the Complaint within thirty (30) days of the receiving the Ethics Committee decision.
 2. The chair of the Ethics Committee may personally review, or may appoint another member of the Ethics Committee to review, a Complaint to determine whether the Complaint raises a matter on which the Ethics Committee had previously provided a recommendation or guidance. If the Ethics Committee had already provided a recommendation or guidance on a matter, and the Respondent had acted in accordance with the recommendation or guidance, the Ethics Committee will dismiss the Complaint in whole or in part. When making such a dismissal, the Ethics Committee will explain the basis of the dismissal and may provide a copy of the recommendation or guidance to the Complainant or may refer the Complainant to USA Dance's web page if the recommendation or guidance is posted for membership review.
 3. Where a Complaint is filed by an individual or organization who within the past three (3) years has had three (3) or more complaints dismissed by a hearing panel as frivolous, unsupported, or not brought in good faith, the chair of the Ethics Committee personally review, or may appoint another member of the Ethics Committee to review, the Complaint to determine whether the Complaint provides at least a good faith allegation of a violation, complaint, denial or threat to deny. If the Complaint does not meet this good faith standard, the Ethics Committee may dismiss the Complaint.



National Governing Body of DanceSport, Member Organization of the US Olympic Committee, and the World DanceSport Federation



4. When a Complaint is not returned or dismissed by the Ethics Committee, the chair of the Ethics Committee will cause a copy of the Complaint to be delivered to the Respondent(s) either in person, by certified mail, or like delivery service and will appoint a member of the Ethics Committee to contact the Complainant and the Respondent within fifteen (15) days of the complaint filing to determine if the complaint can be resolved informally. The Ethics Committee will prepare and submit a report within forty-five (45) days of the complaint filing to the Complainant, Respondent, and the GC outlining the terms of the resolution.

E. HEARING PROCESS:

1. Filing Fee. The Complainant may request a hearing. A request for a hearing panel must be accompanied with a filing fee of \$250 for a complaint filed by an individual(s) or \$500 for a complaint filed by an organization(s). Where a complaint is filed by both individuals and an organization, the organization fee will apply. USA Dance, however, is not required to pay a filing fee. The Complainant may request the filing fee be reduced or waived for reasons of significant financial hardship. If such request is made, the Ethics Committee will determine whether or not to reduce or waive the filing fee.
2. Hearing Panel. Upon the payment of the filing fee, the chair of the Ethics Committee must promptly notify the Respondent and after consultation with the other Committee members, will within fourteen (14) days appoint a hearing panel consisting of at least three (3) individuals to hear the complaint. The Ethics Committee will also appoint a chair of the hearing panel from the individuals selected. The Ethics Committee or any of its members may serve as or on the hearing panel. Other disinterested individuals identified by the Ethics Committee may also be appointed to and serve on the hearing panel. At least one (1) member of the hearing panel must be an Elite Championship Athlete.
3. Response to Complaint. In the event the Respondent(s) engaged in an informal complaint resolution the Respondent must respond within the later of 45 days of receipt of the Complaint from the Ethics Committee or fifteen (15) days of notice of the payment of the filing fee. In the event the Respondent(s) did not engage in an informal complaint resolution the Respondent must respond within the later of thirty (30) days of receipt of the Complaint from the Ethics Committee or fifteen (15) days following notice of the payment of the filing fee. The Response should be in numbered paragraph form and should answer each of the factual allegations in the Complaint. The Respondent(s) may include new matter, also in numbered paragraph form, which contains additional facts. The Response must be signed in the presence of a notary. The following language must be added before the Respondent's signature, attesting to the accuracy of the complaint: "I certify the allegations in this document are true and correct to the best of my knowledge." The following language should appear before the notary's signature: "Subscribed before me on the ____ day of ____." The Response must be sent to the Chair of the Hearing Panel with a copy to the Chair of the Ethics Committee. The Chair of the Hearing Panel will cause copies of the Response to be delivered to all interested parties.
4. 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 must include with the complaint a list of all other individuals, together with their contact



National Governing Body of DanceSport, Member Organization of the US Olympic Committee, and the World DanceSport Federation



information, that may be adversely affected by a decision rendered on the complaint. The Respondent(s) must also submit a list of individuals, together with their contact information, that may be adversely affected by a decision rendered on the complaint. 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. Any individual so notified then will have the option to participate in the proceeding as a party. If an individual is notified of the complaint, then that individual will be bound by the decision of the hearing panel even though the individual chose not to participate as a party.

5. **Conduct of the Hearing.** The hearing panel may set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary, however, the hearing should commence no later than thirty (30) days after receipt of Response(s) to the Complaint. The hearing will be informal. The hearing may be conducted by teleconference, if necessary or convenient to the parties. Each party may appear personally or may be represented by an attorney, parent or other advocate. However, the hearing panel may exclude a representative that is disruptive, rude, or refuses to follow the rules and procedures set by the hearing panel. All parties will be given a reasonable opportunity to present and examine evidence, and to present argument. Argument and evidence should be limited to the issues and evidence cited in the Complaint and Response. If a party intends to offer new evidence at the hearing, the new evidence must be provided to the panel and the other party(ies) at least seven (7) days before the hearing, failure to provide such evidence the panel and the other party(ies) may be grounds for exclusion of the new evidence and any argument based upon the new 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. Preferably, the hearing will consist of a single hearing where the Complainant(s) will be provided 20 minutes to present arguments and evidence, the Respondent(s) will be provided 20 minutes to respond, the Complainants will receive 5 minutes rebuttal (which should be limited to issues raised in the response), and Respondents will receive 5 minutes of sur-rebuttal (which should be limited to issues raised in the rebuttal). At its discretion the hearing panel may lengthen these times or provide additional rounds of rebuttal. If the hearing panel "splits" the hearing to consider first arguments from one party and then the other party, the parties and/or their representative will be permitted to attend the entire hearing, but may be required to refrain from making any comments or arguments until the portion where they are permitted by the panel to present argument or cross examine any witness testimony. At its discretion the hearing panel may also permit limited post hearing submissions summarizing key issues. 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 must be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. 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.



National Governing Body of DanceSport, Member Organization of the US Olympic Committee, and the World DanceSport Federation



6. Decision of Hearing Panel. A decision will be determined by a majority of the hearing panel. A preliminary decision from hearing panel will be in writing and distributed to the GC and the Ethics Committee, if it is not serving as the hearing panel, within fifteen (15) days of the close of the hearing for review. The GC and Ethics Committee will provide written comments regarding a decision within fifteen (15) days of receipt of the preliminary decision. Members of the GC or Ethics Committee who may be a party to a complaint may not take part in this review. The hearing panel will consider but is not bound by these reviews and comments, and will prepare a final the written decision for distribution to the parties within sixty (60) days of the hearing. However, the hearing panel may request from the GC or Ethics Committee an additional thirty (30) days to prepare its decision. The decision of the hearing panel will be final unless reviewed *en banc* by the Ethics Committee or appealed to the GC.
 7. All timelines set forth in Section G of this Procedure may be extended by joint agreement of the parties to a Complaint.
- F. **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 Ethics Committee is authorized to order that the complaint be heard and decided within one hundred and twenty (120) 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.
- G. **RELIEF AVAILABLE THROUGH THE COMPLAINT PROCESS:** Hearing panels operate under the jurisdiction of the Ethics Committee and may only grant relief within the penumbra of the Ethics Committee and consistent with USA Dance's Bylaws, Policies and Procedures, and with USOC guidelines. Examples of relief available through the complaint process are recommendations to limit a member's privileges within USA Dance (because membership privileges are set forth in the Bylaws such recommendations must be approved by the Governing Council), admonishment of members, and instructions for members to receive ethical training. Examples of relief not available through the complaint process are monetary damages, revisions of USA Dance Bylaws, alteration of USA Dance Procedures or Policies (unless those Procedures or Policies fall under the jurisdiction of the Ethics Committee).
- H. **EN BANC REVIEW:** A party may request an *en banc* review by the entire Ethics Committee of a hearing panel decision. Such a request must occur within ten (10) days of the hearing panel decision and must detail why an *en banc* review is appropriate. The Ethics Committee may grant a request for an *en banc* review at its discretion. If the Ethics Committee does not grant a request for *en banc* review within the time to file an appeal, the request will be deemed denied.
- I. **APPEAL:** A party's right to appeal a hearing panel decision or Ethics Committee decision is set forth in USA Dance's Bylaws. The appeal request must be in writing and addressed to the President of USA Dance with a copy to the Secretary of USA Dance. The request must include a detailed statement explaining why the decision of the hearing panel was wrong, why any alleged error by the hearing panel would have materially changed the hearing panel's decision, and what remedy is requested. A filing fee of \$500 for an appeal by an individual(s) or \$1000 for a complaint filed by an organization(s) must accompany the request. Where a complaint is



National Governing Body of DanceSport, Member Organization of the US Olympic Committee, and the World DanceSport Federation



filed by both individuals and an organization, the organization fee will apply. USA Dance, however, is not required to pay a filing fee. The Secretary will send the other party a copy of the appeal documents with a request for any follow up response they wish to make. Upon review of the appeal and any follow up response, the GC may:

1. return the complaint to the panel for clarification or for the taking of additional evidence or reconsidering their decision or
2. affirm the decision of the hearing panel, or
3. take such other action as it deems appropriate. The decision of the GC is final.

J. ARBITRATION: A party's right to appeal a hearing panel decision, Ethics Committee decision, of GC decision is set forth in USA Dance's Bylaws.