USA Surfing Complaint Resolution and Hearing Policy

Effective Date: November 1, 2026
Owner: Compliance Officer

A. Purpose

The USA Surfing Complaint Resolution and Hearing Policy (the "Policy") is afforded to the surf community to uphold an environment that is fair and equitable, providing for clarity and consistency in the resolution of complaints and reports of misconduct. This Policy complies with the Ted Stevens Olympic and Amateur Sports Act ("Act"), the Bylaws of the U.S. Olympic & Paralympic Committee ("USOPC"), and the USOPC's NGB Compliance Standards.

Retaliation, as defined in the USA Surfing Whistleblower and Anti-Retaliation Policy, against an individual who files a complaint or report or otherwise participates in good faith in the process outlined in this Policy is prohibited. This applies to all Protected Individuals before, during, and after the process of resolving a grievance.

Retaliatory activities will be considered a violation of the USA Surfing Whistleblower and Anti-Retaliation Policy and may lead to serious consequences, including termination of employment or membership.

B. Definitions

- Affected Individual. Athletes and other Participants that have been identified in a right to participate Complaint who may be adversely affected by a decision in the case. Affected Individuals will have full rights of a party. Participants who are identified as an Affected Individual will be bound by the decision, regardless of whether they chose to participate.
- Claimant. The individual or entity who files a formal Complaint pursuant to this policy.
- Complaint. A formal written submission of a complaint, dispute or alleged violation of a rule, bylaw, policy, procedure, or federal or state law filed pursuant to this policy, which initiates the hearing process.
- Parties. The Parties to the case are the Claimant(s), the Respondent(s), and any other identified Affected Individuals(s).
- Participants. As set forth in the Applicability section of the SurfSafe Policy.
- Report. An informal mechanism to notify USA Surfing, by any means, of an alleged violation of the SurfSafe Policy, the Code of Conduct, or other rule related to conduct.
- Reporter. The individual who reports an alleged violation of misconduct.
- Respondent. The Participant or entity who is alleged to have violated a USA Surfing policy or SafeSport Code.

- SafeSport Code The U.S. Center for SafeSport's (the "Center") SafeSport Code (the "SafeSport Code") for the Olympic and Paralympic Movement.

C. Applicability

This Policy applies to USA Surfing and USA Surfing Participants as defined in USA Surfing's SurfSafe Policy.

D. Jurisdiction

1. *Submitting a Report of Misconduct*. Any individual, whether or not connected with USA Surfing, may notify USA Surfing of alleged misconduct.
2. *Filing a Complaint*. The following individuals or entities are subject to the jurisdiction of USA Surfing and may file a formal Complaint pursuant to these procedures:
    i. Participants of USA Surfing
    ii. USA Surfing
3. *Jurisdiction*. The alleged violation, grievance, denial of, or threat of, denial to participate in USA Surfing competitions or events (collectively, "an alleged violation") must have occurred at a USA Surfing competition or event, international competition or event (including Pan Am Games and the Olympics), at a USA Surfing training site, any USA Surfing program, or occurred stemming from a USA Surfing bylaw, policy, procedure (including selection procedures), or federal or state law, and against an individual or entity as set forth in Section C.2.
4. *Timing of Allegation*. The alleged violation must have occurred at a date when the Respondent was under USA Surfing's jurisdiction.
5. *Bound to the Decision*. Any individual who files a Complaint or who is included in the hearing process agrees to be subject to these complaint procedures and agrees to be bound by any decision rendered pursuant to this policy.

E. Types of Complaints

Any Participant can file the following type of complaint with USA Surfing:

1. *Administrative*. A complaint against USA Surfing pertaining to any matter within the cognizance of USA Surfing, including but not limited to any alleged violation of or grievance concerning any:
    i. USA Surfing policy, rule or regulation,
    ii. USA Surfing program or service,
    iii. provision of USA Surfing's Bylaws,
    iv. alleged non-compliance of USOPC Bylaws,
    v. alleged non-compliance of the Ted Stevens Act, or
    vi. federal or state law.

2. *SurfSafe*. USA Surfing may file a complaint against a Respondent regarding any alleged violation of USA Surfing's SurfSafe Policy.
3. *Conduct.* A complaint against another individual under USA Surfing's jurisdiction regarding any alleged violation of USA Surfing's Code of Conduct, or any other rule or regulation relating to conduct.
4. *Right to Participate*. Any athlete, coach, trainer, manager, administrator or official may file a Complaint against USA Surfing pertaining to any alleged denial, or alleged threat to deny, of that individual's opportunity to participate in an upcoming USA Surfing sanctioned competition or protected competition (as defined in the USOPC Bylaws).

F. Exclusions

The following will not be subject to this policy:

1. *Anti-Doping Decisions*. A pending case or decision concerning an anti-doping rule violation adjudicated by the U.S. Anti-Doping Agency (USADA) or other Anti-Doping Organization with results management authority shall not be reviewable through, or the subject of, these complaint procedures.
2. *SafeSport Decisions*. Complaints involving conduct within the jurisdiction of the Center under the SafeSport Code shall not be investigated or adjudicated under these procedures to the extent the Center has exclusive jurisdiction or has exercised its discretionary jurisdiction over the matter. These procedures may not be used to challenge or appeal any determination, interim measure, or sanction issued by the Center; any such challenge must follow the procedures established by the SafeSport Code.
3. *Field of Play Decisions*. The final decision of a judge or official 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 judge) shall not be reviewable through, or the subject of these complaint procedures unless the decision is: (i) outside the authority of the judge to make, or (ii) the product of fraud, corruption, partiality or other misconduct of the judge. For purposes of this Section, the term "judge" and "official" shall include any individual with discretion to make field of play decisions.
4. *Paralympic Classification*. Matters concerning Paralympic sport classification, such as disputes, protests, and appeals. These types of matters will be handled in accordance with the classification rules of the International Surfing Association (ISA) and/or the International Paralympic Committee (IPC) Athlete Classification Code, as applicable.
5. *Warnings, Probation, or Temporary Measures*. Disciplinary matters that result in either (i) issuance of a warning or probation sanction after review by USA Surfing, and (ii) in USA Surfing SurfSafe matters, when a temporary measure is put in place that does not result in loss of participation.
6. *Medical Determinations*. For a medical issue of any kind, medical determinations for injury or illness that are made by a physician or other provider as approved by USA Surfing, or through a verified test result (e.g. COVID-19).

G. Reporting Misconduct – Code of Conduct, SurfSafe

1. *Reporting Misconduct*. To report an allegation of the Code of Conduct, or other rule related to conduct, the Reporter can make the report:

   Online Portal: *https://www.usasurfing.org/dispute-resolution.html*
   Phone: 949-391-1010

   The SurfSafe Policy directs reports of an allegation of emotional, physical, and sexual misconduct.
2. *Anonymous*. Reports may be made anonymously.
3. *Report vs. Complaint*. Filing a report does not initiate the hearing process; rather, it initiates a preliminary inquiry and/or investigation into the misconduct. The Complaint comes after the investigation has been completed and it is determined that there is probable cause of a violation.
4. *Notification*. USA Surfing will promptly notify the Reporter (if known) that it received the report and is looking into the matter.
5. *Bad Faith Reporting*. Anyone reporting that alleged misconduct has occurred must act in good faith and have reasonable grounds for believing that the information shared in the report indicates that a violation may have occurred. Any report which the individual made that was knowingly false, with good reason to believe that it was false or has no plausible basis will in itself be a violation of this policy and that individual may be subject to disciplinary action.
6. *SurfSafe*: Find more information about reporting SurfSafe matters, and SurfSafe in general, in the SurfSafe Policy.

H. Investigation into the Report of Misconduct/Pursuit of Complaint

1. *Initial Evaluation*. Once USA Surfing receives a report of an alleged violation of misconduct, it will immediately look into the report to determine its next steps and whether an investigation is warranted, or if it should be dismissed. Dismissal at this stage will only be warranted when it is egregiously outside the scope of the purview of this policy, or has absolutely no basis.
2. *Investigation.*
   i. USA Surfing or Investigator. USA Surfing is responsible for investigating all allegations of misconduct, except for misconduct under the jurisdiction of the U.S. Center for SafeSport. USA Surfing may engage an external investigator or make a *request* to a member on the Ethics Committee to investigate.
   ii. Investigation Process. The investigator (whether from USA Surfing or external) will conduct a thorough review of the report and the laws/policies/procedures alleged to

have been violated, along with gathering any relevant information including interviewing individuals who have pertinent information. The investigator will, at a minimum, allow the Respondent to provide a statement (verbal or written) and any supporting documentation.

3. *Written Determination*. The investigator will write a report[1] of the factual findings and determine on a preponderance of evidence basis whether a violation occurred.

4. *USA Surfing Pursuit of Claim*. If the investigative report finds probable cause of a violation, USA Surfing will pursue the matter. USA Surfing may informally resolve the dispute if the Respondent accepts the proposed sanction. If an informal resolution cannot be reached, USA Surfing will file a formal Complaint against the Respondent, pursuant to the filing process herein.

5. *USA Surfing Puts the Matter Aside*. Pursuant to USA Surfing's SurfSafe Policy, USA Surfing may put a matter aside. In this instance, no individual or entity may pursue the claim at such time until it is re-opened as outlined in the SurfSafe Policy.

6. *USA Surfing Declines to Pursue Claim*. If USA Surfing determines there was no probable cause for a violation, USA Surfing will not pursue the matter. USA Surfing will inform the Reporter (if known) of this decision. Then, and only then, may the Reporter[2] elect to pursue the matter and file a formal Complaint against the Respondent, pursuant to the filing process herein. The Reporter will be responsible for all aspects of pursuing the matter and USA Surfing will not be a party, but may participate.

I. Temporary Measures

1. *Temporary Measure.* A "Temporary Measure" is a restriction, limitation, condition, or suspension of a Respondent's ability to participate in USA Surfing resulting from an alleged violation that is imposed or adopted by USA Surfing during a USA Surfing investigation prior to final resolution. A Temporary Measure shall be effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until USA Surfing expressly removes the Temporary Measure(s).

2. *Considerations*. When implementing a Temporary Measure, USA Surfing evaluates:

    i. The seriousness of the allegations and the circumstances of the case;

    ii. Whether the Respondent's continued participation in sport poses an ongoing or potential risk to the physical, emotional, or psychological well-being or safety of others, including but not limited to the Reporter, the Claimant , other athletes, or the sport community; and

[1] The formality or informality should mirror the egregious of the alleged violation. At a minimum, it must be something in writing about the findings (e.g. email could be sufficient).

[2] The Reporter must also fall under the grouping of individuals allowed to file a Complaint under this policy, as stated in Section C.2.

iii. Whether the allegations against the Respondent are sufficiently serious that the Respondent's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it.

3. *Challenging a Temporary Measure*. If a Temporary Measure restricts the ability for the Respondent to participate, he/she may request a Temporary Measure Hearing within 5 days after it is imposed. If no request for a hearing is made within that time frame, there will be no further challenge and the Temporary Measure will stay in place until a hearing on the merits is conducted or is otherwise resolved, put aside, or closed.

4. *Measures*. Temporary Measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, implementing measures prohibiting one-on-one interactions, and suspensions from participation in some or all aspects of sport activity. If measures require monitoring or chaperoning, the Respondent may be required to locate, arrange, and pay for some or all of those services as a condition of continued participation pending completion of the investigation.

5. *Temporary Measures Hearing*. A Temporary Measures hearing is considered an expedited case to determine if there is sufficient evidence to justify the requested Temporary Measure(s) based on the known facts and circumstances of the case. It will be no more than two hours. The Judicial Committee will follow the process in this policy to the extent possible (e.g. appointing a hearing panel), and the hearing panel may make any modifications to the procedures as necessary but fair to all. The hearing panel can consider the seriousness of the allegations, the evidence supporting the allegations, and/or the perceived risk to athletes or the sports community. The sole issue the hearing panel will decide is whether there is reasonable cause to impose a Temporary Measure(s), not whether the Respondent is guilty of the acts alleged or what final sanctions should be applied. It is not a final hearing on the case.

J. Filing a Complaint

1. *Method of Filing*. A Claimant will file the Complaint with the Judicial Committee either online HERE or by email to judicial@usasurfing.org.

2. *Required Elements*.

   i. All Complaints. All Complaints will set forth in clear and concise language and provide the following, if known:
      a. Name, membership role, and contact information[3] of the Claimant
      b. Name, membership role, and contact information of the Respondent
      c. Alleged violation, grievance, denial or threat to deny
      d. A summary or description of supporting evidence and/or documentation to support the allegation

[3] Individuals may always file a report anonymously and USA Surfing will prudently look into and investigate the matter and take on the role of Claimant, if warranted, and keep the reporter anonymous. However, if, and only if, USA Surfing does not pursue a Complaint, the Reporter may decide to formally pursue a misconduct Complaint against another individual, and accordingly they must come forward.

e. Urgency of the case or a request for an expedited hearing
f. Remedy requested

ii. Additional Information for Conduct and SurfSafe Complaints. Code of Conduct and SurfSafe Complaints will also contain the following information:
a. Investigative Report
b. Notice of USA Surfing's decision not to proceed, if applicable.

iii. Additional Information for Right to Participate Complaints. Right to Participate Complaints will also contain the following information:
a. A list of all other individuals, together with their contact information if known, that may be adversely affected by a decision rendered on the complaint.
b. The date of the upcoming competition or event that the Complaint involves.

3. *Filing Fees*.
i. *Administrative and Right to Participate.*
a. Individual filing fee: $250
b. Entity filing fee (except not for USA Surfing): $500
ii. *Conduct.*There is no filing fee for reporting an alleged violation of the Code of Conduct, SurfSafe Policy or MAAPP.
iii. Individuals may make a request for a waiver of the filing fee by email to judicial@usasurfing.org in the case of financial hardship for the Judicial Committee to make a determination on.

4. *Statute of Limitations.*

i. *Administrative/Conduct Complaints*. A complaint filed pursuant to this policy shall be filed within 180 days of the occurrence of the alleged violation or 180 days within the time that they could have reasonably known the alleged violation or grievance to have occurred.

ii. *SurfSafe*. There shall be no time bar for actions regarding SurfSafe proceedings.

iii. *Right to Participate*. In right to participate Complaints, the Claimant must submit the Complaint at least 5 business days before the competition. If a competition restricts entry of participants within the 5 business days before the competition, the Claimant must submit the Complaint immediately upon being notified of the restricted access.

K. Review of the Complaint

1. *Receipt of Complaint and Initial Review*. Once the Judicial Committee receives the Complaint, it will conduct an initial review to check that (i) the required elements are present, (ii) it is properly designated, and (iii) it satisfies minimum standards. The Judicial Committee is committed to fully resolving all Complaints, but some circumstances may warrant dismissal, such as, an allegation that is clearly not actionable by USA, not within the statute of limitations, or it is completely outside the scope of the jurisdiction of USA Surfing. Before dismissing the Complaint, the

Judicial Committee will reach out to the Claimant to give them a chance to cure any deficiencies or provide additional information.

2. *Consolidation*. The Judicial Committee may consolidate cases involving multiple Complaints involving similar facts and allegations or in the best interest of justice.
3. *Acknowledgement of Complaint*. For all properly filed Complaints, the Judicial Committee will promptly acknowledge the Complaint to the Claimant. The Judicial Committee will also copy the Respondent and provide them with all the material submitted with the Complaint. This will occur within 14 days, without just cause for delay.
4. *Affected Athletes*. The Judicial Committee will determine the pool of Affected Athletes, if any, after providing the Claimant and Respondent with the opportunity to state their positions on the pool. Once the pool has been determined, the Judicial Committee will provide the Affected Athlete(s) with a copy of the Complaint and all material submitted.

L. Administration of the Complaint

The Judicial Committee will administer and oversee all Complaints filed with USA Surfing. The Judicial Committee shall be responsible to ensure that all complaints are heard in a timely, fair and impartial manner. The Judicial Committee may promulgate procedures in addition to those set forth in this policy for the effective administration of Complaints. Rules of evidence that are generally accepted in administrative proceedings will apply. The hearing panel has sole discretion to decide what evidence is relevant and credible, and what evidence will be excluded as unnecessary or repetitive.

M. Party Rights

The Parties will be afforded with the following rights:

1. *Representative.* The Parties have the right to a representative of their choosing.
2. *Notice*. Respondents shall be afforded basic due process rights to fair notice of the charges or allegations brought against them and any potential consequences if a violation is determined to have occurred.
3. *Opportunity for a Hearing.* Except for temporary measures, individuals will be provided with the opportunity for a hearing prior to declaring them ineligible.
4. *Hearing.* The right to bring forth evidence relating to the claims made in the case, call witnesses, and present their case in a fair hearing. The hearing will be held in a format to which the parties can see or hear each other in real-time (e.g. in-person, telephonically, video platform, etc.)
5. *Cross Examination:* Except when special protections are put in place, the right to cross examine witnesses.
6. *Timeliness*. The right to have the dispute heard in a timely manner.

7. *Non-Retaliation.* Retaliation, as defined in the Ted Steven's Olympic & Amateur Sports Act (the Act), is prohibited against an individual for filing a Complaint or Report under this policy. Any retaliation determined to have occurred by a USA Surfing member, an athlete, coach, or referee/official may result in disciplinary action being taken. Acts of retaliation will be handled in accordance with USA Surfing's Whistleblower and Anti-Retaliation Policy found at usasurfing.org. If USA Surfing has determined that an employee has retaliated against an individual for reporting an allegation of physical abuse, sexual harassment, or emotional abuse, that employee will be immediately terminated or suspended without pay. Athletes are also afforded certain protections against retaliation under the Act including that no USA Surfing staff, contractor, agent, volunteer, or member can take or threaten to take action against an athlete for disclosing information to or seeking assistance from the Office of the Athlete Ombuds.

N. Hearing Panel

1. *Appointment.* The Judicial Committee will appoint a 3-person hearing panel, one of which must be an athlete representative. Judicial Committee members may be included on the panel. All panel members will be impartial and disinterested. The Judicial Committee will provide the names of the panel to the Parties in a reasonable time in advance of the hearing.
2. *Conflict of Interest*. The panel members will adhere to USA Surfing's Conflict of Interest Policy and will fill out a Conflict of Interest Disclosure Certification form, which will also be provided to the Parties in a reasonable amount of time. USA Surfing's Conflict of Interest of Interest Policy can be found on usasurfing.org.
3. *Challenges for Conflict of Interest*. Parties may object to a panel member for a conflict of interest and provide reasons to support such. Since this scenario involves conflicts, the Ethics Committee will review the basis for disqualification and make the final determination if a panel member should be removed and replaced.
4. *Communications.* The hearing panel will always communicate jointly with the parties and not have any *ex-parte* communication. The Parties must copy all other Parties when communicating with the hearing panel.
5. *Duties*. The hearing panel will[4]: (i) set timelines for the hearing, (ii) rule on all motions, (iii) set a reasonable amount of time for the hearing at a convenient date, (Iv) act in a professional, courteous and respectful manner, (v) review all submissions and material, (vi) set a scheduling order, (vii) hold the hearing, (viii) render a written decision, and (ix) any other duty necessary to conduct the hearing in a proper manner. The Judicial Committee or a designee may assist the hearing panel in their duties.

[4] This list contemplates a hearing in a normal proceeding, and not for an expedited case, temporary measure hearing, or any other instance where modifications need to be made, but still just for all.

O. Pre-Hearing Process

1. *Notice of Complaint.* USA Surfing will provide notice to any Respondent(s), in writing, of the proposed action, charges, or alleged violation with any supporting documentation filed by the filing party, and the consequences or remedy requested if a violation is determined to have occurred within a reasonable time after USA Surfing receipt and no later than 14 business days, without just cause for delay;
2. *Answer or Request to Dismiss.* Within 10 business days upon receipt of the Notice of Complaint, the Respondent may submit an answer, such as a reason why the matter should not be taken on by USA Surfing.
    i. Response. USA Surfing will notify the Respondent of the decision and will provide the Claimant with a copy of the Answer or Request to Dismiss file, the decision, and the rationale for the dismissal (if applicable) within a reasonable time before the hearing.
3. *Notice of Hearing.* If a hearing is deemed warranted by the Hearing Panel, the Respondent and Claimant shall both be informed of the pursuit of alleged violations. The Notice of Hearing shall include the following:
    i. hearing date which provides for a reasonable time between receipt of the Notice of Complaint and the hearing with respect to the charges, within which to prepare a defense.
    ii. notice of the opportunity to have a hearing before a panel consistent with the composition requirements of Section M;
    iii. the right to contest a member of the hearing panel if there is a reasonable and articulable concern regarding impartiality or a conflict of interest as defined by the USA Surfing Conflict of Interest Policy. Acknowledgement of the contest and the decision will be provided to all parties via email;
    iv. notice that the parties have the right to have a representative and if a party elects to have a representative that the name, relationship to the party and the contact information (email and mobile number) be provided no later than five business days in advance of the hearing;
    v. notice of the identity of all witnesses provided no later than five business days in advance of the hearing; and,
    vi. distribution of evidence by each party no later than ten business days in advance of the hearing to provide for a reasonable time to prepare one's position in the matter.

P. Hearing Process

1. *Answer.* After the Respondent and Affected Athletes, if applicable, receives the Complaint and any other initial submission, he/she will have an opportunity to file an Answer within 14 days, except for just cause. This timeframe will be shortened to meet any upcoming competition or

registration deadlines, as necessary. If a Respondent does not provide an Answer, the allegations in the Complaint will be deemed to be denied. No inference will be made if an Affected Athlete does not submit an Answer. The Answers will be sent to the hearing panel and other Parties within a reasonable time before the hearing.

2. *Motions*. The Parties may make any motion for the hearing panel to rule on. This includes the opportunity for the Respondent to make a motion to dismiss if there is a procedural issue with the case, the case does not fall under USA Surfing's purview, and/or the Complaint fails to state a claim upon which relief can be granted. The other party(ies) will be provided with the opportunity to reply to the motion made. The hearing panel may determine the motion on the papers, or hold an oral argument hearing for the motion. If it is a dispositive motion, an oral argument will be held.
3. *Scheduling Order*. The hearing panel will set a scheduling order as soon as practical which will list deadlines and outline procedural aspects for the hearing. The scheduling order will also include a deadline to submit the identity of any witnesses that will appear at the hearing, and a deadline to submit evidence they will rely on in the hearing. Exchange of information may also be set forth. The deadlines for witness lists and evidence will be due in a reasonable amount of time before the hearing for the Parties to prepare for one's position in the case.
4. *Real-Time Hearing*. The hearing will be conducted in real-time at a time and place such that all Parties are able to attend. A videoconference or telephonic hearing in which all Parties are present and able to speak to each other directly is a real-time hearing.
5. *Timing*. Hearings will be scheduled as soon as reasonably possible. USA Surfing commits to conduct the hearing process within 90 days after the last filing in the case, except for just cause or the Parties agree to waive this requirement. The hearing will be held prior to a competition or registration deadline, as long as the individual filed within the statute of limitations.

Q. Protections for Proceedings

The hearing panel may place protections or certain parameters in place to protect minors, vulnerable persons, or the Claimant(s) in SurfSafe proceedings at its discretion. All protections put in place will be properly communicated to all Parties in advance and reasonable, fair and just to all Parties.

R. Expedited Procedures

Upon the request of a party, and if it is necessary to expedite the proceeding 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 Judicial Committee is authorized to order that the complaint be heard and decided within five (5) business days 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.

S. Informal Resolution

The Parties may resolve a Complaint informally at any point before a decision is made. Informal resolution may include mediation. If an informal resolution is reached, it will be documented in writing, final and binding, and there will be no further opportunity to appeal.

T. Potential Consequences – Conduct and SurfSafe Proceedings

1. *Potential Consequences*. Potential consequences for a violation of a Conduct or SurfSafe Complaint may include, but not limited to:
    i. Warning
    ii. Probation;
    iii. Fine;
    iv. Performance of a specified task(s), such as a formal written and/o oral apology or completion of training or education on diversity, equity, and inclusion;
    v. Safety measures;
    vi. Return of any equipment, uniform, or attire provided by USA Surfing;
    vii. Limitation on further access to USA Surfing facilities and/or competition venues;
    viii. Restrictions on USA Surfing Event-related activities;
    ix. Loss of participation in specific USA Surfing-sponsored events;
    x. Loss of funding;
    xi. Loss of access or restriction on other services (e.g. Power your Performance);
    xii. Suspension for a specified duration; and/or
    xiii. Lifetime ban/permanent ineligibility.

2. *Considerations*. The panel's determination may be based on, but not limited to, the following:
    i. The legitimate interest of USA Surfing in providing a safe environment for athletes and other individuals who participate in the sport of surfing;
    ii. The individual's health, safety, and well-being and the health, safety, and well-being of others who are training or working at a USA Surfing venue or competition;
    iii. Whether the individual poses an ongoing concern;
    iv. The seriousness of the alleged violation;
    v. Repeated violations;
    vi. The time that has elapsed since the occurrence of the original act, or violation;
    vii. The age of the person at the time of occurrence of the original act, or violation;
    viii. The individual's ability to perform the necessary functions of their role or otherwise be a representative of the U.S. Olympic and Paralympic Movement;
    ix. Any information produced by the individual, or produced on behalf of the individual concerning the individual's rehabilitation and good conduct;
    x. Any voluntary restrictions on access proposed by the individual;
    xi. Any other information about whether or not the individual should represent USA Surfing and the U.S. Olympic and Paralympic Movement.

3. *Mandatory Termination/Suspension:* In the event an employee is found to have retaliated against an individual for reporting an allegation of physical abuse, sexual harassment, or emotional abuse, that employee will be immediately terminated or suspended without pay as required by Section 220509(c)(2) of the Act.

U. Decision

1. *Burden of Proof.* The burden of proof will be on a preponderance of the evidence standard[5] for the Claimant to prove.
2. *Written decision*. A written decision will be rendered by a majority of the panel and will go into effect immediately, unless otherwise stated. The hearing panel will consider all the evidence and testimony (including credibility of the witnesses) and give it the weight that it deserves.
3. *Timing for Decision*. The decision will be provided to the Parties within 30 days after the hearing, unless for just cause. An interim decision may be rendered immediately if necessary (e.g. for an upcoming competition or registration deadline).

V. Appeal Rights

1. *Arbitration*. Any athlete, coach, trainer, manager, administrator, or official who has been denied the opportunity to participate in athletic competition has the right to appeal to arbitration and USA Surfing agrees to submit to binding arbitration in those cases. Arbitration will be conducted by the arbitral body designated by the USOPC,[6] and in accordance with the U.S. Olympic and Paralympic Movement Arbitration Rules. USA Surfing does not require any individual to exhaust other remedies before demanding arbitration.
2. *Section 9 Rights*. If a Team USA athlete, or an athlete competing in, a Protected Competition, as defined by the USOPC, alleges to have been denied, or a threat to be denied, in the opportunity to participate in a Protected Competition, that athlete has the right to utilize the USOPC Section 9 dispute resolution process.

W. Team USA Athlete Resources

Team USA athletes may contact the Athlete Ombuds for independent and confidential advice on a variety of sport related matters, including their rights, applicable rules, policies or processes, and questions related to resolving disputes and grievances. The Athlete Ombuds can also help Team USA athletes connect with legal

[5] An exception to this is for temporary measures, which is outlined in Section H.

[6] With the concurrence of the Team USA Athletes' Commission and the National Governing Bodies' Council.

counsel or mental health resources if needed. All other USA Surfing athletes (i.e., athletes competing domestically at the masters or youth level, recreational athletes, foreign athletes), are welcome to visit the Athlete Ombuds website to review informational resources and should work directly with USA Surfing to understand additional resources and options available to them.

Email: ombudsman@usathlete.org
Website: www.usathlete.org

X. USA Surfing Contact

The CEO and the Judicial Committee are responsible for this Policy and its enforcement. You may reach out to USA Surfing or the Judicial Committee at any time:

USA Surfing: admin@usasurfing.org
Judicial Committee: judicial@usasurfing.org