



Appeals Policy

(April 22, 2023)

Appeal Policy __ - Appeals

Section 1.

(a) A USYS Appeals Panel shall consider and decide appeals from final decisions rendered by USYS Members denying the right to participate in competition. The decision of the Appeals Panel shall be final, binding, and not subject to further challenge or appeal within USYS. Subject to Section 2 below, a final decision of the Appeals Panel may be made to the Federation in accordance with procedures established by the Federation. The Appeals Panel may compel the production of any documents and evidence the Appeals Panel may require, within reason. The members of the USYS Appeals Pool shall be appointed by the Chair and Vice Chair.

(b) At any time, three (3) members of the Appeals Pool shall constitute an Appeals Panel (AP) for the purposes of considering and determining any appeal brought pursuant to Bylaw Article XVII. In order to maximize the expertise of the AP and avoid conflicts of interest, the Vice Chair of USYS shall select the AP as the need arises. The Vice Chair of USYS shall also designate one member of the AP to act as the AP's Chairperson, who shall, among other things, be the member of the AP responsible for ensuring that the appeal is considered and determined within the time periods prescribed by this Policy. No member of the AP may be from the State Association of the parties involved in the appeal.

Section 2. No decision of a Member that arises out of the application of the rules of competition which is made in the course of the competition, and which has no consequence beyond the competition, is appealable. Nothing in this Policy shall be construed to limit the rights of appeal available under the Sports Act or USOC bylaws relating to the opportunity of Athletes to participate in "protected competition," as defined in the USOC bylaws.

Section 3. An appeal shall be made in accordance with procedures established by the Board and is commenced by submitting notice of appeal within fourteen (14) days after receipt of the decision that is subject of the appeal. Notice of appeal shall be served on all parties and to the appeals committee or other body whose decision is being appealed via hand-delivery, courier, certified mail, facsimile, or electronic mail.

Section 4. The notice of appeal to USYS shall be simultaneously served on the Chief Executive Officer and accompanied by the a \$500 appeal fee. The appeal fee shall be retained by USYS.

Section 5. The body whose decision is being appealed shall, within fourteen (14) days of the date of acceptance of jurisdiction by USYS of the notice of appeal, forward to the Chief Executive Officer and to all parties the official record utilized by it in making its decision.

Section 6. Within twenty-eight (28) days of the date of acceptance of jurisdiction by USYS of the notice of appeal, the appealing party shall submit to the Chief Executive Officer any argument it wishes to make in support of the appeal and shall serve copies of its argument to all opposing parties and to the body whose decision is being appealed.

Section 7. Within forty-two (42) days of the date of acceptance of jurisdiction by USYS of the notice of appeal, all opposing parties shall submit to the Chief Executive Officer any argument they wish to make in opposition to the appeal and shall serve a copy to the appealing party.

Section 8. Appeals shall be considered and determined by the AP in person or by telephone conference call at the Chair's direction; consideration and determination of an appeal shall be closed to the public and the parties. The AP may decide to allow oral argument either in person or by telephone, with all parties having the opportunity to participate, before its consideration and determination. If allowed, the AP may set time limits for the oral argument and may hold the oral argument on a day prior to the date the AP will consider and determine the appeal. If the AP decides that oral argument is not necessary, then the AP shall decide the matter based upon the record and the parties' written arguments.

Section 9. The appellant shall bear the burden of showing that the decision being appealed from is clearly erroneous.

Section 10. No new evidence may be presented to the AP unless circumstances have materially changed, or new facts are discovered that were unavailable at the time of the hearing from which appeal is being taken. In such cases, the AP may allow that such new evidence be presented to it provided all parties to the appeal have been given notice and are given an opportunity to respond to the materially changed circumstances or previously unavailable or undiscovered facts.

Section 11. If an appellant fails to submit arguments by the deadline for submitting appellant's arguments and no continuance has been granted by the AP, the appeal shall be considered abandoned. If oral argument is allowed and the appellant fails to participate in oral argument without excuse, the appeal shall be considered abandoned.

Section 12. The AP shall issue a final written decision within ten (10) days after it has considered and determined the appeal, however, not more than twenty (20) days after initial consideration except for just cause.

Section 13. A decision rendered by a Member from which an appeal is taken is not stayed or suspended pending the final decision of the AP unless the AP otherwise orders. The decision rendered by a Member from which an appeal is taken may be suspended by the AP only upon written application by the appellant which accompanies the Notice of Appeal and the finding by the AP of good cause shown. Good cause shown may only be made upon a unanimous vote of the AP and a written decision which specifically states that there is a strong likelihood of success upon the appeal and that circumstances are present which clearly show that the appellant will suffer irreparable harm unless the decision from which the appeal is taken is suspended pending the determination of the appeal. The decision of the AP regarding suspension of the decision pending determination of the appeal shall be final and may not be further appealed.

Section 14. The Appeals Panel may uphold, reverse, or remand a decision challenged on appeal.

Appeal Policy ____ - Appeals Record

The appeals record shall be submitted by the USYS Member using the format attached hereto. The appeals record shall contain, at a minimum, the following:

1. All documents, exhibits and other evidence in the case.
2. Copies of all rules, procedures, and bylaws used to support the charges and to conduct the hearing.
3. The notice of charges and/or hearing provided the defendant/appellant.
4. The decision of the hearing body and any appeals decisions.

The record shall:

1. be numbered in chronological order
2. be indexed
3. contain only one copy of each document.

If audio or videotapes are made part of the record, there must be four (4) copies of any such tape delivered to USYS, or one (1) copy if delivered electronically. If a written transcript has been prepared, it shall be included as part of the record.

The record must be in English. If Members accept documents in other languages, then the Member shall be responsible for providing English translations of the documents prepared by a neutral translator agreed to by the parties.

If the record is not submitted in accordance with this policy, the appeal timetable may be put on hold pending the completion of the record or the appeal may be dismissed. If the appeals timetable is put on hold, the appealing party may apply to USYS to have their penalty suspended until the case is decided.

Index of Documents Contained in the Certified Appeal Record

Case: _____ Date: _____ Index Page: _____

Record # _____ Date: _____ Description of Document: _____
(attach additional sheets as required)

Certificate:

I certify that each party to this appeal was given the opportunity to present documentation before the record was closed and that the above documentation is the entire record considered in connection with this matter.

Dated: _____

Member