



### **An Athlete's Guide to Filing a Grievance Regarding Opportunity to Participate**

The USEF Bylaws provide a process by which an athlete (or certain other individuals, as discussed below) may file a complaint against USEF alleging USEF has denied, or threatened to deny, the athlete the opportunity to participate in "protected competition." Additionally, Section 9 of the United States Olympic & Paralympic Committee ("USOPC") Bylaws affords an athlete a process to challenge USEF when it denies, or threatens to deny, the athlete the opportunity to participate in the Olympic Games, Pan American Games, Paralympic Games, World Championships, or other "protected competition" (this term is defined in the USOPC Bylaws).

This guide will focus on the process available to athletes filing a grievance through the USEF internal process. For information on filing a grievance through the USOPC, contact the USOPC Athlete Ombudsman Office at (719) 866-5000, or [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org), or visit [www.athleteombudsman.org](http://www.athleteombudsman.org)

*Note: The information contained in this document is meant as a guide. You are urged to read USEF Bylaw 703 and the USEF General Rules, in particular Chapter 6, for specific requirements and guidance. Any questions should be directed to Emily Pratt, Secretary to Hearing Committee, at [epratt@usef.org](mailto:epratt@usef.org)*

#### **Q: What is a grievance regarding the opportunity to participate in protected competition?**

**A:** An "opportunity to participate" in protected competition grievance is a complaint brought by an athlete regarding the athlete's participation in a particular event, e.g World Championship, or in other protected competition. The alleged violation must affect the opportunity of the complaining athlete to participate in, or attempt to qualify for selection to participate in any equestrian event of the Pan American Games, Olympic Games, Paralympic Games, World Championships, or any other protected competition as that term is defined by the USOPC, including any domestic competition or event organized and conducted as part of the selection procedure directly qualifying each successful competitor therein as an athlete representing the U.S. in such equestrian international competitions.

#### **Q: Who can file a grievance?**

**A:** Any athlete, rider, driver, vaulter, longeur, owner, lessee, coach, trainer, manager, administrator or official or any member of USEF may file a grievance.

#### **Q: Can I file a grievance prior to the submission of final definite entries, if a threat of a denial already exists?**

**A:** Yes.

#### **Q: Who do I file my grievance against?**

**A:** A grievance may be filed against USEF, an Affiliated Entity of USEF, a USEF committee, a committee of an Affiliated Entity of USEF, any USEF member, or any athlete, rider, driver, vaulter, longeur, owner, lessee, coach, trainer, manager, administrator or official.

**Q: Do I have to have my grievance heard by USEF?**

**A:** No. If your grievance meets certain criteria, you can file it directly with the USOPC and/or the American Arbitration Association. We urge you to review Section 9 of the USOPC Bylaws, contact the USOPC Athlete Ombuds Office at (719) 866-5000 or [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org), or visit [www.athleteombudsman.org](http://www.athleteombudsman.org) for more information.

**Q: How do I file a grievance to be heard internally by the USEF Hearing Committee?**

**A:** Here are some helpful steps:

- Written complaint – Any grievance must be made in writing over the signature of the person filing it. It must state the full name(s) and address(es) of the person(s) or entity against whom the grievance is made.
- Specificity - The grievance must state with specificity the acts which give rise to the grievance and the requested relief sought.
- Competition - The grievance should identify the event or competition that is subject to the grievance and the date of the event, i.e. the event in which the individual is allegedly being denied participation.
- Identify affected athletes - The grievance should identify any other affected athletes that may be impacted by the outcome of the grievance. For instance, if the complaining athlete argues he should have been selected to a team instead of John Doe, then John Doe needs to be identified in the grievance as an affected athlete so that he can participate in the grievance process.
- Address - The grievance should be addressed to the Hearing Committee and sent to USEF's CEO ([bmoroney@usef.org](mailto:bmoroney@usef.org)), General Counsel ([skeating@usef.org](mailto:skeating@usef.org)), and Secretary to Hearing Committee ([epratt@usef.org](mailto:epratt@usef.org)). It can be mailed to them at 4001 Wing Commander Way, Lexington, KY 40511.

Please see USEF Bylaw 703 and the USEF General Rules for more information.

**Q: Who will hear the grievance?**

**A:** A Hearing Panel will be convened consisting of five members of the Hearing Committee. At least two members of the Panel must meet the definition of Eligible Athlete under the USOPC Bylaws, and must not compete in the same discipline that is the subject of the grievance. For example, if the grievance involves a dressage event, the athletes on the panel cannot be dressage athletes.

**Q: When will the grievance be heard?**

**A:** Upon the request of an athlete or another party (i.e. affected athlete(s)), a hearing can be expedited to the extent reasonably possible in order to resolve the matter prior to the subject competition. It's helpful to provide any scheduling conflicts you have right away.

If an expedited hearing is not necessary, efforts will be made to schedule the hearing within 60 days of receipt of the grievance.

**Q: What happens at the hearing?**

**A:** The athlete filing the grievance must be prepared to substantiate the grievance at the hearing by a preponderance of the evidence. The evidence must include personal testimony of a witness or witnesses with personal knowledge subject to cross-examination and by sworn statements, other witnesses and by other

competent evidence. The requirement of personal testimony may be excused by the Hearing Committee if the parties to the grievance stipulate to the relevant facts.

**Q: Can I retain a lawyer to represent me and is it required?**

**A:** Yes, you can retain a lawyer to represent you but it is not a requirement. Some athletes retain counsel and others proceed without one.