



**USA Ultimate Board of Directors  
In-Person Meeting  
January 28-29, 2016**

*USA Ultimate Headquarters  
5825 Delmonico Drive, Colorado Springs, CO 80919*

**Saturday, January 28-29, 2017**

**President DeAnna Ball calls meeting to order at 8:01 AM ET, Saturday January 28, 2017.**

**Board Members Present In-Person:**

DeAnna Ball – President, At-Large Representative  
Henry Thorne – Vice President, At-Large Representative  
Josh Seamon – Secretary, At-Large Representative  
Heather Ann Brauer\* – At-Large, Athlete Representative  
Audrius Barzdukas – At-Large (Independent) Representative  
Val Belmonte – At-Large (Independent) Representative  
Michael Eck – At-Large (Independent) Representative  
Ness Fajardo\* – Athlete Representative  
Kathy Hendrickson – At-Large Representative  
Dave Klink\* – Athlete Representative  
Janet Judge – At-Large (Appointed) Representative

**Board Members Present via Teleconference:**

Steve Mooney – At-Large (Appointed) Representative

**Board Members Not Present:**

**USA Ultimate Staff Present:**

Dr. Tom Crawford – CEO  
Julia Echterhoff Lee – Director, Finance and Development  
Ethan Taylor-Pierce – Manager – Finance & Administration  
Will Deaver – Managing Director, Competition and Athlete Programs  
Byron Hicks – Manager – Events  
Connor Maloney – Manager – Competition & Athlete Programs (Youth)  
Tom Manewitz – Manager – Competition & Athlete Programs (College)  
Dan Raabe – Manager – Youth & Education Programs  
David Raflo – Manager – Events  
Sarah Powers – Coordinator – Youth & Education Programs  
Ernest Toney – Manager – Competition & Athlete Programs (Club)  
Andy Lee – Director, Marketing and Communications  
Stacey Waldrup – Manager – Communications & Publications  
Josh Murphy – Director – Member Services & Community Development  
Leah Dolan-Kelley – Manager – Event Sanctioning  
Kristen Gallagher – Manager – Community Services & Development



Maelyn Divinski - Manager – Digital Marketing & Communications

**Guest:**

Kae Rader – President, Rader Consulting

Elite athletes are denoted by a \*

**Introductions**

Presented by DeAnna Ball

- DeAnna Ball went over an outline of the meeting agenda.
- Everyone in the room introduced themselves.

**Financial Update**

Presented by Tom Crawford

- We ended up in a strong position.
- We are well on track even after capital expenses.
- Overall, membership is up 4.5%.
- Kae Rader noted we are doing well compared to other NGBs.
- The staff was recognized by the board for their excellent budget management.

**2016 Review**

Presented by Tom Crawford

- The board was presented with an update on the three State Based Organizations.
- Our international teams did exceptionally well this year, sweeping the WUGC.
- Our first national coaches symposium was a highlight to the year.
- The board discussed the evolution of mixed play on the international stage.
- The US Open, now combined with YCCs, will be the largest event USAU has ever run. The board and staff expressed their excitement for the event.
- All clinics, leagues, and activities are now managed through our volunteer structure.
- The board heard an update on the implementation of new safety procedures.
- The board discussed the Safe Sport program.
- The Long Term Athlete Development Model was completed for the youth division.
- The board heard an update on our marketing partners.
- The board discussed the development of our affiliate and SBO structures.

**Update to Operating Reserves Policy**

Presented by Mike Eck

- USA Ultimate Operating Reserve Policy. [Appendix A]
- The board discussed the reasoning behind the updated policy as proposed and how it will ease current operations.



- Josh Seamon moves to accept the proposal as submitted. The motion is seconded by Henry Thorne and passes 12-0-0.

### **Strategic Surplus Proposal**

Presented by the Investment Committee

- Strategic Surplus Proposal [Appendix B]
- The board commented on the prudent nature of the proposal and how it will give the organization an additional level of nimble operation.
- DeAnna Ball motions to amend the proposal. Ness Fajardo seconds the motion and it passes 12-0-0.
  - “All projects, except for the first four approved requests, each less than \$20,000 in any fiscal year, must be reviewed and approved by the Investment Committee before being submitted to the full Board of Directors for approval. A majority vote of the USA Ultimate Board of Directors is required to use funds from the "Strategic Surplus". Otherwise, approval by the Investment Committee is deemed sufficient. The full board will be notified within a week of approval of all projects approved by the Investment Committee.”
- Josh Seamon moves to approve the proposal as amended. Ness Fajardo seconds the motion and it passes 12-0-0.

### **World Flying Disc Federation presentation**

Presented by Rob Rauch

- The board was updated on the current landscape of international Ultimate and the expanding structure of WFDF.
- Rob Rauch spoke about WFDF’s involvement in the Olympic movement.
- The board and WFDF discussed mutual objectives.

### **Introduction to Strategic Planning Activities**

Presented by Kae Rader

- Kae Rader outlined the plan for the day.
- The board discussed various input vectors and plans for how the strategic plan will be developed.
- The board discussed the upcoming town halls.

### **State of USAU in the world of sports**

Presented by Tom Crawford

- We are now a part of a large structure with the IOC at the top.
- We need to build structures that scale.
- Development will look different from state to state.
- We need to build a community of communities.



### **Stakeholder research snapshot**

Presented by Kae Rader

- Kae Rader recapped a summary of her survey data.
- Experiences impact attitudes, which drive behavior.
- Kae Rader' biggest takeaway was that the results were higher (more positive) than expected.
- USAU scores well in comparison to the general NGB landscape.
- The board and staff went through a SWOT analysis followed by priority setting exercise.

**Sunday, January 29, 2017**

**President DeAnna Ball calls meeting to order at 8:02 AM ET, Sunday January, 2017.**

### **Executive Session**

Presented by DeAnna Ball

- Henry Thorne moves to elect DeAnna as President. Josh Seamon second the motion and it passes 11-0-1.
- Henry moves to elect himself as Vice President. Val Belmonte seconds the motion and it passes 11-0-1.
- Henry Thorne moves to elect Josh Seamon as Secretary. Janet Judge seconds the motion and is passes 11-0-1.
- Val Belmonte moves to elect Michael Eck as Treasurer. Kathy Hendrickson seconds the motion and it passes 11-0-1.

### **Committees & Working Groups**

Presented by DeAnna Ball

- The Board worked through all committee, task force, and working group assignments.

### **Equity & Diversity Update**

Presented by Tom Crawford

- Tom Crawford outlined updates and progress made during 2016 as well as plans moving forward.
- The board discussed highlights as well as ongoing challenges.

### **Judicial Committee Proposal**

Presented by Kathy Hendrickson

- Conduct Policy Proposal [Appendix C]
- The board heard the reasoning behind the updates.
- Henry moves to approve the proposal as written. Josh Seamon seconds the motion and it passes 11-0-1.

### **Any other business**

Presented by DeAnna Ball



- The board heard updates on board operations logistics.

**DeAnna Ball adjourns the meeting at 10:06 AM ET, Sunday January 29, 2017.**



### **Appendix A: USA Ultimate Operating Reserve Policy**

USA Ultimate uses its Operating Reserve Policy to ensure available funds to support ongoing operations in the event of select, realistic-but-pessimistic downside events that threaten the organization's revenue. An analysis of such potential events (carried out in 2011) identified several events that Operating Reserves might be used for.

The most significant of these threats would require approximately \$750,000 in 'non-offset' (i.e., not offset by commensurate revenues) evenly distributed over a three year period. This was the amount that was set aside by USA Ultimate during calendar year 2012 as "Operating Reserves." The amount of the Operating Reserves in years after 2012 shall be maintained at no less than 30% of the current years budgeted expenses (excluding occasions in which the Board has authorized spending from the Reserves and thus the balance falls below 30%).

The 30% reserve amount is higher than many other non-profits, but appropriate because USA Ultimate revenue is highly concentrated on membership revenue. A more diversified revenue base may lower this rate in the future. Analysis should be performed every few years to determine what percentage is appropriate.

Investment of the funds shall be overseen by the Investment Committee in a manner consistent with the organization's Investment Policy. The Operating Reserve funds may be managed in concert with other organizational reserves, but care should be taken to ensure that funds in the amount of (or greater than) the Operating Reserves level are available on short notice.

Investments made using Operating Reserve funds must have minimal downside risk but can be invested in up to three year-long products so long as maturity dates allow for fund availability evenly throughout any three year period, and the funds would not be locked up, but available in full in the middle of the three year period with only a loss of any accumulated interest in such a case of early investment termination. Interest or dividends from investment of the Operating Reserve amount should accrue into the fund.

A portion of the Operating Reserve funds not greater than 30% may be invested in a well-diversified, professionally-managed and equity-oriented investment fund or endowment, comparable to the asset class represented by the USOC Endowment. This asset class would expose this portion of the operating reserve to a higher market risk, a longer term time horizon and the expectation of generally higher returns over a multiple year investment period. Short term fluctuations and decreases in value are at times reflective of this asset class.

A majority vote of the full USA Ultimate Board of Directors is required to use funds from the "Operating Reserves". Such funds may only be used for investments that defend against or mitigate a known threat to the organization's current or future ability to maintain financial health.



The level of reserves may fall below 30% of the current years budgeted expenses if such a vote is passed, but in no case may the reserves remain below 30% of the current years budgeted expenses for more than 5 years following such a vote.

## **Appendix B: Strategic Surplus Proposal**

### Background

The organization currently has cash assets that can be divided into three groups:

1. Monies required to run the business (for operating and capital budget needs),
2. Monies set aside in the occurrence of a select, realistic-but-pessimistic downside event or events that threaten the organization's revenue (the operating reserve), and
3. The remainder of the money (referred to here as the "Strategic Investment Fund")

On the Investment Committee call on July 13, 2016, upon discussion of whether to increase the amount of operating reserve, an idea came up instead to create a pool of money available to be used for thoughtful, prudent and strategically significant growth opportunities. Since the money would only be used for strategic development opportunities that arise during the year outside of the operating budget, the pool of money would be called "Strategic Surplus".

One goal of this fund is to allow the organization to be nimble outside of their annual operating budget, which is set before the year begins. Another goal is to make investment opportunities in the sport.

The overall amount for the Strategic Surplus for the calendar year would be equal to 25% of the excess money left after taking the cash balance at January 1 of the current year and removing annual budget needs (from both operating and capital budgets) and operating reserves. For 2016, this would look like:

$$\begin{array}{l} \$2,076,256 = \text{cash on hand at 1/1/2016} \\ \quad (0) = \text{amount needed from cash for 2016 operating and capital budgets (surplus budget)} \\ \underline{(1,197,925)} = \text{2016 operating reserve (30\% of budgeted expenses)} \\ \$ 878,331 \\ \underline{\quad \times \quad 25\%} \\ \underline{\$ 219,583} = \text{amount eligible for growth opportunities in 2016} \end{array}$$

Individual projects could be approved up to the balance remaining in the strategic surplus for the year. The strategic surplus amount resets at the beginning of the new calendar year.

In order for a project to be approved for funds from the Strategic Surplus, a financial model must be submitted showing a clear return on investment over a finite period of time. It must also be a strategic investment with a direct connection to the current USA Ultimate strategic plan as



written.

The Finance Committee is empowered to review and approve the use of these funds for projects requesting less than \$20,000 as opportunities arise. Projects requesting \$20,000 or more must be reviewed by the Finance Committee and then submitted to the entire board with majority vote required for approval.

### **Recommendation**

The USA Ultimate Investment Committee recommends that the board approve the creation of a "Strategic Surplus" that is available for thoughtful, prudent and strategically significant investment opportunities as they arise. The "Strategic Surplus" for the full calendar year is limited to 25% of the "Strategic Investment Fund", which is equal to the excess money left after taking the cash balance at the beginning of the year and removing the annual budget needs (operating and capital budgets) and the operating reserves. Individual projects can be approved up to this amount but the total from all projects is not to exceed the total "Strategic Surplus" for the calendar year.

The proposed project must be accompanied by a financial model showing a clear return on investment over a finite period of time. The project must also be a strategic investment with a clear tie to the current USA Ultimate strategic plan in place.

Projects requesting \$20,000 or more must be reviewed and approved by the Finance Committee before being submitted to the full Board of Directors for approval. A majority vote of the USA Ultimate Board of Directors is required to use funds from the "Strategic Surplus". Otherwise, approval by the Finance Committee is deemed sufficient.





## Appendix C: Conduct Policy Proposal

# USA ULTIMATE CONDUCT POLICY

Last revised January 29, 2017

## I. INTRODUCTION

This Conduct Policy ("Policy") defines a code of conduct for members of the USA Ultimate community, details the bodies that manage matters related to conduct, and describes the procedures for addressing conduct violations and sanctions relating to conduct violations. The primary means for dealing with disputes is direct discussion between the persons or teams involved. USA Ultimate applauds the maturity its members regularly exhibit in resolving their own disputes and correcting their own misdeeds, and celebrates the general irrelevance of this very Policy. However, in the rare circumstance where formal redress is needed, this Policy takes effect.

Beyond its own rules, USA Ultimate expects all players to abide by the laws, regulations and statutes of the jurisdiction in which they participate, whether at USA Ultimate-sanctioned events or not. USA Ultimate, its officers, directors, agents, affiliates and members will cooperate fully with the relevant authorities to ensure compliance with such laws, regulations and statutes.

Though much of this document deals with inappropriate conduct, it is crucial to note that good conduct is appreciated and commended by USA Ultimate through its several awards recognizing individuals and teams which uphold and demonstrate the [Spirit of the Game](#), through Spirit of the Game projects funded by the USA Ultimate Foundation, and by continually reinforcing the notion of sportsmanship and respect. In addition, teammates and opponents alike express their appreciation of fair and respectful play. Finally, good conduct is its own reward!

## II. DEFINITIONS

- A. "Acting Disciplinary Authority" means any tournament director, Tournament Rules Group ("TRG"), certified Observer, Sectional or Regional Coordinator, State Youth Coordinator, Regional Youth Director, National Director, member of the USA Ultimate Administration performing his/her duties in some specific capacity, officer or agent of USA Ultimate, or some other USA Ultimate-appointed individual or group charged with decision-making regarding conduct pertaining to a specific USA Ultimate event or program in progress.
- B. "Administration" or "Staff Member" refers to the staff of USA Ultimate.
- C. "Board of Directors" or "Board" shall mean the full Board of Directors of USA Ultimate.
- D. "Judicial Committee" means a committee comprised of members of the Board of Directors, or a hearing panel appointed by the committee, in accordance with the Bylaws of USA Ultimate. The Judicial Committee will oversee matters of right to play, administrative grievances, discipline, and conduct pursuant to the terms of this Policy and the Bylaws of USA Ultimate.
- E. "Conduct within USA Ultimate" shall have the meaning set forth below in [Section III.B](#) which includes, but is not limited to, a player's or a team's actions, statements, written words, and documents in dealing with an Acting Disciplinary Authority, officers, volunteers and staff of USA Ultimate.
- F. "Conduct within the Ultimate Community" shall have the meaning set forth below in [Section III.C](#).
- G. "On-Field Conduct" refers to the actions of players and teams during the course of a tournament or other USA Ultimate event and is not limited to actions during a game.
- H. "Player" and "member" both refer to any member of USA Ultimate, except where otherwise noted.



### III. CODE OF CONDUCT

USA Ultimate members are expected to behave in a manner consistent with the mission of the organization while (a) on the playing field, (b) interacting with the administration and officers of USA Ultimate, and (c) dealing with the greater ultimate community. The same expectations exist for teams and other groupings of members.

#### A. On-Field Conduct

Players and teams are expected to treat one another with respect, to conduct themselves in a safe and orderly manner, and, while playing, to adhere to the rules of ultimate as well as to any tournament and site regulations, including the USA Ultimate Policy on doping. On-field violations may therefore include (with the clause being violated appearing in parentheses), but are not limited to, abusive heckling (respect), spiking the disc on another player (respect, safety), dangerous play (safety), spitting at another player (respect), cheating (rules), deliberate fouling (rules), reckless behavior at a tournament party (order, safety), drinking on the sidelines when prohibited (site regulations), taunting (respect), and violence against another player (respect, order, safety).

Repeated, excessive or deliberate inappropriate conduct constitutes a violation of this conduct Policy. An individual instance of inappropriate conduct may also warrant sanctioning by the Judicial Committee if the action is sufficiently severe. Such a sanction may be in addition to any penalties imposed by an Acting Disciplinary Authority, such as a TRG or Head Observer. Acting Disciplinary Authorities and the Judicial Committee operate independently.

#### B. Conduct within USA Ultimate

Players and teams are expected to be truthful and respectful in their dealings with the Administration and Staff Members of USA Ultimate, in addition to complying with USA Ultimate rules and deadlines.

Violations of conduct occur upon the breach of these expectations. Violations of conduct within USA Ultimate may therefore include, but are not limited to, filing a fraudulent roster; hacking the USA Ultimate Website; supplying fraudulent membership data to USA Ultimate; hosting a USA Ultimate-sanctioned tournament but excluding a team from competition based on a personal grievance with the captain; theft of privileged information from USA Ultimate or its directors, officers or administrators; obstructing an agent of USA Ultimate from performing his/her duty; and libel against a director, organizer or administrator regarding USA Ultimate-related activity. For example, a player who groundlessly accuses a Board member of embezzlement while being interviewed live on television may violate this Code of Conduct on the grounds of slander, even if that player later recants while off camera.

Tournament directors, members of the Administration of USA Ultimate, and other such USA Ultimate-appointed individuals or groups may serve as Acting Disciplinary authorities regarding violations of conduct within USA Ultimate, provided the conduct pertains to an event or process reasonably under their jurisdiction. For example, Sectional and Regional Coordinators are Acting Disciplinary Authorities for conduct within USA Ultimate regarding the appropriate championship series in their sections and regions, respectively. A Regional Coordinator who finds that a team has filed a fraudulent roster may exclude that team from competition. As another example, the director of membership in the Administration has the authority to deny membership to an applicant who submits a fraudulent membership form.

#### C. Conduct within the Ultimate Community

Players are expected to act consistently with the mission of USA Ultimate to advance the sport of ultimate. Actions inimical to the mission are violations of conduct. Such violations may include, but are not limited to, libel against ultimate players or organizers in the printed media, obscene acts on televised media featuring ultimate, and vandalism or other destructive behavior toward an ultimate facility.

#### D. Other Regulatory Codes



Note that an Acting Disciplinary Authority may adopt any number of approved regulatory schemata (such as the "Misconduct System" used by Observers) for administering penalties within the course of a tournament or other USA Ultimate event. Such regulatory guides must conform to this overarching Code of Conduct. Actions resulting in penalties administered through the application of such systems do not constitute conduct violations unless a complaint is filed by the Acting Disciplinary Authority or an eyewitness member and the Judicial Committee deems them to be violations. Likewise, actions that are not penalized under such systems may still be held violations of the Code of Conduct upon complaint and review, and thus are subject to sanctioning under this Policy.

The Code of Conduct described here applies to all USA Ultimate members in every disc-related activity, as well as to all dealings with the USA Ultimate Administration including but not limited to, USA Ultimate Staff Members and volunteers. The Head Observer is judging on-field behavior by the same standards as is the Tournament Rules Group ("TRG") or the Judicial Committee. Different authorities may have additional rules to enforce which are unrelated to the USA Ultimate Code of Conduct, however. For example, a team's showing up late for a game may merit a point penalty from a TRG or Head Observer while constituting no breach of the Code of Conduct. Note, too, that these several disciplinary bodies may impose different sanctions for the same conduct violation. For example, the "Misconduct System" that an Observer might employ delineates a strict set of penalties, whereas the Board or Judicial Committee is not so narrowly bound in its sanctions.

#### **IV. ENFORCEMENT OF THE CONDUCT POLICY**

Alleged violations of Section III (Code of Conduct) set forth above shall be reviewed two ways. For conduct that occurs during USA Ultimate sponsored or sanctioned event or program in progress, expedited resolution may be required and, as a natural result, the review and appeal process is necessarily limited to real-time review. Alleged violations of this Policy that do not need to be resolved during a USA Ultimate sponsored or sanctioned event, may be reviewed through a formal complaint-defense-appeal-process.

##### **A. Enforcement During a USA Ultimate Event or Program in Progress**

An Acting Disciplinary Authority may, as necessary, impose sanctions or penalties for violations of this Policy to ensure expedient administration of its duty in anticipation of or during a USA Ultimate event. For example, a tournament director has the authority to eject a violent player from a tournament.

More than one Acting Disciplinary Authority may have jurisdiction over an event. In such case, communication and coordination between the multiple Acting Disciplinary Authorities with jurisdiction is encouraged to ensure that consistent results are achieved and the appropriate course of action is determined.

Notwithstanding the foregoing, in the event that disagreements between multiple Acting Disciplinary Authorities at a particular event arise, the highest level Acting Disciplinary Authority who is ascertainable and reachable during an event shall make the final decision. For example, during a national series event a decision by the National Director overrules a decision made by the Regional Coordinator or Regional Youth Director, a decision made by the Regional Coordinator or Regional Youth Director overrules a decision by the Sectional Coordinator, State Youth Director, or tournament director in matters regarding discipline. A decision by the Sectional Coordinator or State Youth Coordinator overrules a decision by the tournament director in matters regarding discipline. However, for USA Ultimate sanctioned events, the highest level Acting Disciplinary Authority may be the tournament director whose decision during an event may be final. For other events or programs in progress such as national team tryouts, USA Ultimate sanctioned events and tournaments and USA Ultimate sponsored events other hierarchies may exist and apply.

##### **1. Initiating and Carrying Out the Enforcement Process**

An Acting Disciplinary Authority may act on his or her own initiative to impose sanctions or penalties for violations of this Policy. In addition, an individual may allege a complaint against a player or team by directly contacting the appropriate Acting Disciplinary Authority, who may act upon the complaint as he or she sees fit. Due to the time sensitive nature of the situation, no written complaint is necessary.



## 2. Immediate Appeal of an Acting Disciplinary Authority's Decision

Generally, if a higher level Acting Disciplinary Authority is ascertainable and reachable during the event, a USA Ultimate member may appeal the initial decision made by the lower level Acting Disciplinary Authority. For example, in a USA Ultimate national series event such as Sectionals or Regionals, an Acting Disciplinary Authority's decision may be immediately appealed to the National Director of the appropriate division, either in person or via telephone or email communication. If the National Director can be reached in time to make a meaningful decision on the matter, the National Director's decision is final with respect to how to proceed during an on-going event. If the National Director cannot be reached in time to make a decision on the matter, the original Acting Disciplinary Authority's decision stands during the on-going event.

However, in situations where there may be no clear higher level Acting Disciplinary Authority, such as a USA Ultimate sanctioned event, the Acting Disciplinary Authority decision may not be appealed. This Policy encourages USA Ultimate members to conduct themselves in a manner that is in conformance with the requirements of this Policy and to ensure quick decision-making and finality during ongoing events.

## 3. Appeal of the Acting Disciplinary Authority Decision

If the sanctions imposed by Acting Disciplinary Authority continue beyond the tournament or event where the conduct violation took place, the sanctions may be appealed by following the procedures set forth in Section B below. USA Ultimate Members may also appeal a decision which they believe was made by an Acting Disciplinary Authority unfairly or in error pursuant to the USA Ultimate Administrative Grievance Policy.

### B. Enforcement Through a Formal Complaint

The second method by which alleged violations of this Policy are reviewed is through a more formal complaint process. While this process is more formal, it is understood that a particular situation may have a time-sensitive nature, and as such the timeframes set forth below may be accelerated at the discretion of the Judicial Committee to ensure that time-sensitive complaints are reviewed quickly while still being afforded the full process outline below.

#### 1. Initiating the Enforcement Process

Any USA Ultimate member or group may file a complaint against any other member, group of player, team or a decision made by a Acting Disciplinary Authority if the sanctions imposed continue beyond the tournament or event where the conduct occurred. In the case of a complaint relating to on-field conduct, the complainant must be a witness to the conduct in question. An individual who hears of but does not witness offensive conduct may request an investigation by the Judicial Committee, who may act on such requests at their discretion.

Additionally, any individual who has been suspended for longer than (1) year shall have the right to have their suspension reviewed annually by submitting a request for review to the Judicial Committee. Review of suspensions shall be heard by the Judicial Committee,

The complainant must complete a Complaint Form (attached hereto as [Exhibit A](#)) and submit the form to the Chair of the Judicial Committee within thirty (30) days of the conduct in question. The Judicial Committee shall have the discretion to grant complainants extensions of this deadline prospectively or retroactively. Multiple complaints by different parties regarding a single incident may be consolidated and treated as a single complaint.

The Judicial Committee will determine whether a complaint is sufficiently credible to warrant a hearing. In making this determination the Judicial Committee may consult with appropriate Staff Members. In the event that the Judicial Committee determines that a complaint is insufficient to warrant a hearing, it shall notify the complainant in writing of its determination. In the event the complaint is deemed credible, the Judicial Committee will inform the complainant and will also inform the respondent of the complaint, making known to him or her the allegations being charged. The respondent will have thirty (30) days, or such shorter or longer period as the Judicial Committee determines, in its sole discretion, to submit a written response to



the Judicial Committee.

## 2. Permissible Involvement of USA Ultimate Staff

In its sole discretion, the Judicial Committee may ask one or more Staff Members to review the complaint, response and submitted evidence and provide input, including a recommended course of action. The Judicial Committee may forward copies of information it has obtained on a particular matter to the appropriate Staff Members. The Judicial Committee may request that the Staff Members obtain further information.

During the review process the Judicial Committee may temporarily impose or suspend imposed penalties on affected parties until the matter is fully resolved. For example, this may mean that a USA Ultimate member may or may not be allowed to compete in USA Ultimate sponsored events until the final resolution of an appeal.

Judicial Committee decisions are based on majority vote when no consensus can be reached. In the event of a tie, the Chair of the Judicial Committee casts the deciding vote.

## 4. Appeals

According to Article X of the current USA Ultimate Bylaws ([Grievances and Appeals](#)), a decision of the Judicial Committee may only be appealed through AAA arbitration (Section 10.12).

## V. SANCTIONS

### A. Sanctions by an Acting Disciplinary Authority

An Acting Disciplinary Authority may impose sanctions necessary for the administration of its duties. Such sanctions may include, but are not limited to, ejection of a team or player from a game, tournament, or tournament series; assessment of points against a team; denial of a membership application; and denial of participation in a league or clinic.

No Acting Disciplinary Authority may suspend any player or team from participation in any event other than the immediate event, program or process being administered by that authority. The same restriction applies to probation.

### B. Sanctions by the Judicial Committee

The Judicial Committee is not limited in its range of sanctions, except by the requirement that the penalty be proportionate to the severity of the action or its consequences. Such sanctions may include, but are not limited to, any sanctions that an Acting Disciplinary Authority may impose, public or private censure, demand of public or private apology, demand of completion of service to the ultimate community, probation, and suspension from participation in USA Ultimate events. Suspensions or penalties occurring for a period of time longer than one (1) year may be reviewed annually by the Judicial Committee upon request.

### C. Publication of Decisions

The Judicial Committee may, in their sole discretion, publish specific or general summaries of decisions made and sanctions imposed in connection with the enforcement of this Policy for the purpose of providing guidance ("Published Guidance"). Published Guidance shall not refer specifically to the parties involved and shall be redacted to the extent practicable. Published Guidance shall be made available to the public on the USA Ultimate website.

## VI. SUMMARY

The USA Ultimate expects all players to treat one another with respect, and to be truthful and considerate in their dealings within the organization and the greater ultimate community. These standards of conduct are maintained by the strong tradition of etiquette and sportsmanship within the ultimate community, and by



good-faith resolutions of disputes among the parties involved.

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## **USA ULTIMATE ADMINISTRATIVE GRIEVANCE POLICY**

### **I. INTRODUCTION**

The USA Ultimate Administrative Appeal Policy (this "Policy") has been developed to provide an opportunity for a member, team, or group of members of USA Ultimate (the "USA Ultimate") to appeal a decision made by a member of the USA Ultimate Administration. This Policy differs from the USA Ultimate Conduct Policy in that it is not limited to the review of the conduct or decisions related to conduct. Instead, this appeal process provides a formalized and meaningful opportunity for USA Ultimate members who feel aggrieved by an administrative decision to have that decision reviewed.

### **II. APPEAL PROCESS**

The process and standards set forth in this Policy are similar in form and substance to the formalized complaint process set forth in the USA Ultimate Conduct Policy. Appeals are heard by the Judicial Committee who is familiar with the similar process, timing and deadlines set forth in the USA Ultimate Conduct Policy. This provides familiarity and ease of use for USA Ultimate members while at the same time promotes consistency and efficiency in decision-making.

#### **A. Initiating the Appeal Process**

Any USA Ultimate member, team, individual or group who has been actually aggrieved by an Administrative Decision (defined below) made by a USA Ultimate staff member, or their agents including, but not limited to, USA Ultimate committees and volunteers, may file a formal appeal against a decision with the USA Ultimate Secretary. No appeals may be made on behalf of another person or individual.

For the purposes of this Policy, an "Administrative Decision" is any decision made by a USA Ultimate staff member, committee, or volunteer, or its designee (referred to as the "Administrative Decision Maker") which is an application of existing USA Ultimate Policy and directly affects a USA Ultimate member, team, or group of members, such as decisions involving rosters, eligibility and sanctioning of USA Ultimate events. This is to be distinguished from broader policy or strategy decisions made by the USA Ultimate administration and USA Ultimate Board of Directors such as changes to the structure of the national college or club series, the roles and responsibilities of observers, or budgetary decisions that have only indirect impacts on a specific USA Ultimate member, team or group of members. Appeals made under this Policy are concerned with administrative decisions with a specific, direct and immediate impact on an aggrieved party.

The appellant must complete an Appeal Form (attached hereto as [Exhibit B](#)) and submit the form to the Chair of the Judicial Committee within thirty (30) days of the conduct in question. The Judicial Committee shall have the discretion to grant complainants extensions of this deadline. Multiple appeals by different parties regarding a single decision may be consolidated and treated as a single appeal.

The Judicial Committee will determine whether an appeal is sufficiently credible to warrant a hearing. In making this determination the Judicial Committee may consult with appropriate USA Ultimate staff members. In the event that the Judicial Committee determines that an appeal is not sufficient to warrant a hearing, it shall notify the appellant in writing of its determination. In the event the appeal is deemed credible, the Judicial Committee will inform the Administrative Decision Maker and any other involved USA Ultimate staff members of the appeal. The Administrative Decision Maker will have thirty (30) days, or such shorter or longer period as the Judicial Committee determines, to submit a written explanation of the rationale behind the decision to the Judicial Committee.

#### **B. Review of the Administrative Decision**

##### **1. Review of the Administrative Decision by the Judicial Committee**



The Judicial Committee shall review the Administrative Decision and explanation of the Administrative Decision Maker upon receipt. Within five (5) days of receipt, the Judicial Committee may validate or reconsider the Administrative Decision.

(a) Validation. If the Judicial Committee validates the Administrative Decision, the Administrative Decision shall become the final decision of the Judicial Committee.

(b) Reconsideration. The Judicial Committee may reconsider the Administrative Decision if, in the Judicial Committee's reasonable judgment either (i) the Administrative Decision significantly departs from existing precedent; (ii) the impact of the Administrative Decision on the appellant is grossly disproportionate to the situation in question; (iii) the Administrative Decision clearly misinterprets existing rules regulations, policies or (iv) if significant new information has been presented which may affect the facts and circumstances involved in the Administrative Decision. Reconsideration may not necessarily result in modifications of or changes to the Administrative Decision.

If the Judicial Committee chooses to reconsider the Administrative Decision it may conduct its own independent investigation and may incorporate any new information presented into its decision-making process.

The Judicial Committee's final decision (the "Judicial Committee Decision") shall be communicated in writing to the affected parties within thirty (30) days of receiving the appeal. Unless otherwise stated, its decision shall take effect immediately.

The Judicial Committee reserves the right to shorten or lengthen the time periods set forth above in its sole discretion due to either the (a) time sensitive nature of a particular issue or (b) in order to ensure that the involved parties have a meaningful opportunity to avail themselves of the full appeal process. Any changes to deadlines contained herein must be expressly communicated to the involved parties in writing immediately after the decision has been made by the Judicial Committee.

Rulings on appeals of Administrative Decisions are based on majority vote when no consensus can be reached. In the event of a tie, the Chair of the Judicial Committee casts the deciding vote. For the purposes of this Policy, any USA Ultimate staff member who is a member of the Judicial Committee must abstain from voting.

## 2. Appeals

According to Article X of the current USA Ultimate Bylaws ([Grievances and Appeals](#)), a decision of the Judicial Committee may only be appealed you can appeal the decision through arbitration (Section 10.12).

### **III. PUBLICATION OF DECISIONS**

The Judicial Committee and/or Board may, in their sole discretion, may publish specific or general summaries of decisions made and sanctions imposed in connection with the enforcement of this Policy for the purpose of providing guidance ("Published Guidance"). Published Guidance shall not refer specifically to the parties involved and shall be redacted to the extent practicable. Published Guidance shall be made available to the public on the USA Ultimate website.

### **VI. SUMMARY**

This Policy provides a meaningful opportunity to appeal decisions made by the USA Ultimate Administration which directly impact USUA members and helps ensure that consistent and fair Administrative Decisions are made.