

International Cheer Union

Grievance Procedure

- Section # 1 **Filing a Complaint** – Any athlete or member of the ICU or a member organization / federation of the ICU (the "Complainant"), that believes that himself/herself/itself to be aggrieved by any action of the corporation or one of its members, may file a complaint with the corporation (the "Complaint"). To be considered for resolution through the corporation's grievance procedure, the Complaint must:
- (a) be submitted in writing to the President of the corporation at the corporation's principal place of business
 - (b) be signed by the Complainant , and
 - (c) include a concise statement of the complaint, the individual or organization responsible for the Complaint and the relief sought. If the Complaint occurs at an event or competition sanctioned by the corporation and the subject matter of the Complaint may be the subject of the protest procedures described in governing rules and policies, then those protest procedures must be exhausted prior the filing of a Complaint. Failure to exhaust those protection procedures results in this Grievance Procedure.

- Section #2 **Processing the Complaint** - Upon receipt of a Complaint, the President will promptly:

- (a) Appoint one member, employee (including the President) or agent of the corporation to investigate the Complaint (the "Investigator"). The Investigator may not, however, be an individual who is directly involved in the occurrence that is the subject of the complaint.
- (b) Send the Complainant a notice acknowledging receipt of the Complaint.

That notice shall include:

1. The name of the Investigator
2. The date (not later than thirty (30) days from the date of the notice) by which the investigation will be concluded, and

Statutes of the International Cheer Union

3. a copy of these Grievance Procedures

(c) Send to any individual organization whose conduct is the subject of the Complaint (the “Adverse Party”) a notice of the filing of the Complaint and a copy of the Complaint. No notice need be sent when the Adverse Party is the corporation. The notice shall include

An invitation to respond in writing to the Complaint

The name of the Investigator

The date by which the investigation will be completed, and

A copy of these Grievance procedures

Section # 3 **Investigation of the Complaint** – The investigation of the Complaint shall at least include a collection of all relevant documents and interviews (or attempted interviews) with the Complaint, the Adverse Party and other persons having information related directly to the subject matter of the Complaint.

Section # 4 **Mediation of the Complaint** - Within ten (10) days of the end of the investigation, the Investigator shall prepare for the President of the ICU, a written summary of the investigation and a recommendation as to appropriate disposition of the Complaint. Without being limited by that recommendation, the President may then attempt to mediate the dispute to the satisfaction of the Parties. If mediation is successful, the agreed upon resolution must be recorded by the President in a form which includes the written acknowledgement by the Parties of that resolution.

Section # 5 **Hearing Panel** - If the President is unable to mediate the dispute to the satisfaction of the Parties within ten (10) days of receipt of the Investigator’s summary and recommendation, the President will report the fact to the Chairman of the Grievance Committee.

The chair of the Grievance Committee will then appoint three members of that Committee to serve as the panel that will hear the Grievance (the “Hearing Panel”). These appointments shall be subject to the following:

Statutes of the International Cheer Union

The chair of the Grievance Committee can appoint himself/herself to the Hearing Panel

The appointment of the three member Hearing Panel will include the designation of a Chair of the Hearing Panel

Whenever possible, an athlete member of the Grievance Committee will be included on the Hearing Panel

The Chair of the Grievance Committee is responsible for confirming the availability of each appointee to serve on the Grievance Panel

Section # 6 **Conduct of the Hearing** – The Chair of the Hearing panel will select the time and the place for the grievance hearing so as to have the hearing occur at the earliest convenient date. The chair may, with the consent of the parties, conduct the hearing by conference call or other similar electronic means. The chair will communicate the information about the hearing schedule, along with the identity of the other two members of the Panel, to the Parties and the President. Prior to the hearing, the President will provide to the Hearing Panel copies of the Complaint, any written response previously submitted by the Adverse Party, documents collected by the Investigator and the Investigator’s summary. The Hearing Panel will not receive (and neither Part may introduce as evidence) the Investigator’s recommendation or any resolution of the dispute proposed by the president to any of the parties during the mediation. Not less than fifteen (15) days prior to the hearing, the Chair of the Hearing Panel shall cause to be sent to the Parties a written copy of the procedures to be followed at the hearing. Those procedures shall include the opportunity for each Party to be represented by counsel, to present oral or written evidence, to cross-examine witnesses and to present such factual or legal claims as desired. The hearing shall be open to the public and shall be recorded with a transcript made available to each Party at its expense.

All procedural and evidentiary decisions shall be made by the Chair and the Hearing Panel. Decisions about merits of the Complaint and the form of sanctions shall be made by majority vote of the Hearing Panel. The Hearing Panel shall report its decision on the merits in the form of written findings of fact and conclusions with ten (10) days of the conclusion of the hearing.

Statutes of the International Cheer Union

The decision shall be sent to the President. The decision of the Hearing Panel shall be final and binding on all parties, except to the extent that decision is modified on appeal in accordance with Section 10 of this Grievance Procedure.

Section # 7 **Penalties** – The Hearing Panel may impose any of the following penalties:

Reprimand - A communication, either public or private, of the corporation's decision regarding the grievance complaint reprimand maybe combined with probation or suspension

Probation - A ruling that, for a specified time, the subject's continued participation in the corporation's activities, sanctioned competitions or membership program is conditioned upon satisfaction of certain conditions. These conditions shall be described specifically, as shall the consequences of failing to meet them. The Panel may order that notice of probation to be given to appropriate authorities, such as event directors.

Suspension or Expulsion - A ruling that, either permanently or for a specified period of time, the subject is prohibited from participating in sanctioned competitions or other corporation activities. The Hearing Panel may limit the effect of a suspension to certain activities or competitions, and may establish conditions that, if satisfied, will result in lifting of a suspension.

Section # 8 **Appeal** - Appeal from a decision from the hearing panel may be taken by any Party, including the corporation, to the Executive Council of the General Assembly, within ten (10) days of receipt of the decision of the Hearing Panel. The notice of appeal must set forth the basis for the appeal. The President will forward copies of the notice of appeal to the other Parties, all of who shall have the right to submit written responses to the appeal, which responses must be delivered to the President within ten (10) days of receipt of the notice of appeal. The President will then deliver to the Executive Council the complete record of the appeal along with the written appeal and responses submitted by other parties. The President will not take part in the decision of the Executive Committee. The Executive Committee, shall, by majority vote of all non-abstaining members and without considering new evidence or conducting additional hearing, render a written decision with respect to the appeal within thirty (30) days of receipt of notice and responses. A decision of the Executive Committee with respect to an appeal shall be final and binding on all parties.

Statutes of the International Cheer Union

Section # 9 **Expedited Procedure** - If the Complaint challenges a rule or decision affecting eligibility to participate in an International event or an event sanctioned or conducted by the ICU, the Complainant may, as part of his or her written Complaint, request that the Complaint be referred immediately to the President.

In response to such a request, the President will:

Send the Complainant a notice acknowledging receipt of the Complaint

Send to any Adverse Party a notice of the filing of the Complaint and a copy of the Complaint. No notice need be sent when the Adverse Party is the corporation. The notice shall include a copy of the Complaint and request that the Chair of the Grievance Committee appoint a Hearing Panel capable of conducting a hearing on an expedited basis.

Section # 10 **General** - All notices, reports and decisions under this Article shall be made in writing and delivered in person by registered mail, or other form of delivery creating a record of receipt. Any time period under this article may be reduced by direction of the President if he determines that such action is necessary to expedite the resolution of a controversy in order to do justice to any Party. Participation in a Grievance Procedure shall be deemed to constitute agreement to be bound by the provisions of this Article.

Section # 11 **Court of Arbitration for Sport** - All final deliberations and issue to resolve may be submitted, if there is no foreseeable solution, to the Court of Arbitration for Sport in Lausanne, Switzerland. The ICU recognizes "CAS" as always a option for resolve of any disputes or issues that are not able to resolved through all the other options available to the ICU.