

**Committee Charter for US SQUASH
Judicial Committee**

Effective as of June 21, 2019

Primary Mission and Other Duties

1. The Judicial Committee will use the high standard of fair play and spirit of sportsmanship inherent in the game of squash as a guideline to review and resolve matters, questions, appeals and disputes related to ethics, conflict of interest, grievances and violations of rules, policies and regulations involving US Squash that are properly brought before it.

Membership

2. Members of the Judicial Committee should have a deep understanding of the sport of squash and its rules, the operations of US Squash, and familiarity and experience with due process procedures.
3. All members of the Judicial Committee shall be independent unless this requirement is expressly waived by the Board of Directors upon the recommendation of the Nominating and Governance Committee with full disclosure of all relevant facts and circumstances in accordance with the provisions set forth by the Nominating and Governance Committee.
4. In all cases, there must be 20% athlete representation on hearing panels which are part of the Judicial Committee

Authority and Procedure

5. Adjudicate properly submitted matters and appeals by any impacted person with standing of any decision made by any official of the Association. Review any punitive action taken or decision made against any person and recommend action including affirmation, reversal, stay or modification of such decision.
6. Administer the Association's decision review process in accordance with the By-laws and any applicable policies and regulations.
7. Adjudicate any appeals related to the eligibility and right to compete of any athlete.
8. Investigate any matters involving a conflict of interest, election impropriety, violation of the Code of Conduct or Ethics, Principles & Conflict of Interest Policy, or any pertinent matter submitted for review and recommend action for review and final approval by the Board of Directors.
9. Upon request of the Board of Directors or the CEO, interpret any provision of the rules, policies and regulations of the Association with the exception of the technical rules contained in the Rules of the Game.

10. Issue interim orders, prohibitory or mandatory in nature, as may be necessary pending a final decision by the Board of Directors.

Meetings and Reports

11. The Judicial Committee shall conduct regular meetings in person or via teleconference no less than two times per year to discuss Association issues under its purview and also be regularly available “on call” at other times to consider and resolve matters brought before it pursuant to the By-laws and this Charter.
12. The Judicial Committee shall proactively stay abreast of organizational best practices and shall make recommendations to the Board on matters under its purview.
13. Judicial Committee meeting deliberations regarding any matter brought before it shall be kept strictly confidential but all relevant information regarding matters before it shall be shared freely amongst all Judicial Committee members. The Chairperson of the Judicial Committee shall be the public spokesperson of the Judicial Committee.
14. Nothing in paragraph 13 above shall prevent the Judicial Committee from conducting public meetings and hearings as appropriate under the given circumstances.
15. The Chairperson of the Judicial Committee shall use best efforts to maintain and provide their successors with a “Standing File” that would include notes, documents and any other form of information relevant to all matters brought before it and the ongoing activities of the Judicial Committee in order to assure continuity and smooth transitions.
16. The Judicial Committee shall make regular reports to the Board including providing an up to date log summarizing all matters brought before it at least annually.
17. As also provided for in the Committee Charter for the Nominating and Governance Committee, the Judicial Committee shall be routinely engaged by the Board, and/or as the case may be, the Nominating and Governance Committee, to review all Board of Director and Standing Committee nomination recommendations and appointments, to consider actual or potential conflicts of interest or any other potentially disqualifying background issues, brought to the attention of the Judicial Committee. The basis for these reviews shall be (i) consideration of any disclosures made in the US Squash Business Conflict of Interest Disclosure Form to be administered by the CEO, and to be provided by all Board and Standing Committee members under consideration for and during their service with the Association (to be updated at least annually) and/or (ii) additional information provided to the Judicial Committee during the course of their consideration. In each case the Judicial Committee shall make recommendations after due consideration.
18. The Judicial Committee shall review and reassess the adequacy of this Charter annually and recommend any proposed changes to the Board for approval.

ADDENDUM A

Grievance, Disciplinary, Suspension, Member Misconduct and Appeals Procedures

- A. Grievances
- B. Team Selection
- C. Non-Disciplinary Start Right and Participation Appeals
- D. Suspension from Participation in Competition
- E. Member Misconduct and SafeSport
- F. Competition Official Appeals
- G. USOC Review and Arbitration

A. **Grievances.** Every member of US Squash shall have the right to pursue written grievances concerning actions by US Squash, its Board, any of its committees, or any of their members acting in their official capacities in accordance with the procedures set forth below:

1. A grievance shall be defined as an allegation by a member that US Squash, its Board, any of its committees or any member while acting in an official capacity has violated the Articles of Incorporation or By-laws of US Squash or the official written policies and procedures of US Squash, or has failed to discharge its obligations as a National Governing Body under the United States Olympic Committee (“USOC”) By-laws or the Amateur Sports Act. The grievance procedures set forth in this Section A do not apply to a US Squash staff employment issues, Competition Jury appeals, Team Selection appeals or Suspensions or to matters falling within the jurisdiction of the USCSS (“USCSS”). Grievances do not include complaints against or disapproval of policy decisions of the Board, and the Judicial Committee shall respond to any effort to raise such issues in the form of a grievance by notifying the complainant in writing that Judicial Committee lacks jurisdiction over policy decisions, and that such issues should be brought to the attention of the CEO, the relevant US Squash Committee, or the Board through a Board member or during the open comment period of the annual meeting. The Judicial Committee may decline to consider a grievance, and instead refer the complaining party to the USOC’s dispute resolution process if the matter complained of does not affect or concern the ability of a member to pursue athletic excellence within US Squash.
2. A complainant may initiate the grievance process by filing a written complaint with the principal office of US Squash. The Complaint shall include the following:
 - a) The identity of the complainant;
 - b) The identity of the member(s), Board(s), or committee(s) of US Squash against whom the grievance is directed (hereinafter collectively the “Respondents”);

- c) A short and plain statement of the facts giving rise to the grievance, including the action at issue, the Articles of Incorporation, By-laws or official written policies or procedures adopted by the Board which are alleged to have been violated by the action, the parties involved in the action, the harm to the complainant as a result of such action (if applicable), and the relief sought;
 - d) The signature of the complainant (and the signature of his or her parent or legal guardian if he or she is under eighteen (18) years of age); and
 - e) Any reasonable filing fee adopted in advance by the Board.
3. Within ten (10) days of receiving the Complaint, a member of the Judicial Committee shall notify the Complainant in writing whether the Judicial Committee shall hear the Complaint, refer it to a lower body, or decline to consider it entirely for the reasons set forth above. Normally, if the Judicial Committee declines to consider the matter in its entirety due to its lack of jurisdiction, it shall refer the matter to the CEO for disposition. Notwithstanding the foregoing, the Judicial Committee may choose to hear the matter if it is urgent or concerns a matter of great significance to US Squash.
4. For those matters the Judicial Committee chooses to hear, within thirty (30) days of receiving the Complaint, a member of the Judicial Committee shall complete an investigation and written report of the findings of his or her investigation, which report shall contain a preliminary ruling. The report and preliminary ruling shall be provided to the Complainant, Respondent, and the full body of the Judicial Committee.
5. Within ten (10) days of delivery of the report and preliminary ruling, the Complainant or any Respondent may demand a hearing by submitting written notice of such demand and any reasonable filing fee adopted in advance by the Board to the CEO, who shall in turn immediately forward copies of such notice to the Judicial Committee responsible for preparing the preliminary ruling. If the Judicial Committee grants either party's request for a hearing, it shall be scheduled and conducted at such time as is convenient for the Judicial Committee and all parties, but in any event not more than one hundred twenty (120) days after the demand for hearing is made, unless all parties consent in writing to such delay. If the Judicial Committee and the parties are unable to agree upon a convenient location for such hearing, then the hearing shall be conducted at the principal office of US Squash, but in such event, any party or member of the Judicial Committee may then participate in the hearing via tele or video-conference. If no party demands a formal hearing, the report and preliminary ruling shall become final.
6. Each party shall have the following rights during the hearing:
- a) To be assisted or represented by legal counsel of the party's choosing;
 - b) To call witnesses and present oral and written evidence and argument which the hearing panel, during the hearing, deems relevant;

- c) To confront and cross-examine adverse witnesses; and
- d) To have an audio, video or stenographic record made of the hearing at the party's own expense.

7. Within fifteen (15) days of the formal hearing, the Judicial Committee shall issue written findings and conclusions, and shall issue its order, if any, along with a written explanation of the reasons for its order which shall be non-appealable within US Squash.
8. A prevailing party in any grievance shall be entitled to a refund of any filing fees he or she has paid during the course of the grievance procedure.

B. **Team Selection.** Any member who believes that he or she has wrongfully been denied membership on any team whose members are selected through participation in "protected competition," as that term is defined in the USOC By-laws, shall be entitled to appeal such decision in accordance with the following procedures:

1. As soon as possible after receiving notice of an adverse team selection decision (but in all cases within three (3) days of any written notice of such decision, unless the third day falls on a weekend or federal holiday, in which case such deadline shall be extended until the next business day), a member who believes that such decision was arbitrary or unreasonable shall file a written appeal with the CEO of US Squash. The written appeal may be filed in person, via electronic mail, or received by overnight delivery service. Failure to timely file such an appeal shall be deemed a waiver of any objections to the Team Selection decision, and that decision shall then become final and non-appealable within US Squash. The written appeal shall include the following:
 - a) The identity of the appellant;
 - b) The identity of US Squash representative apparently responsible for the decision (hereinafter collectively the "appellee");
 - c) A statement identifying whether the appeal requires action within five (5) days, and if so, the reasons why "urgent" attention is required;
 - d) Citation of the criteria, standards or other material which the appellant contends US Squash was obliged to follow in rendering the decision at issue;
 - e) A short and plain statement of all facts which the appellant contends demonstrate his or her satisfaction of the selection criteria at issue, and any other facts which the appellant contends demonstrate that the decision was not in accord with the published team selection procedures and criteria; and
 - f) The signature of the complainant (and the signature of his or her parent or legal guardian if he or she is under eighteen (18) years of age).
2. Upon receiving the written appeal, the CEO shall immediately distribute a copy of the appeal to each member of the Judicial Committee. Within ten (10) days

of receiving the Complaint, a member of the Judicial Committee shall notify the Complainant in writing whether the Judicial Committee shall hear the matter.

3. If the appeal is urgent (i.e., requires a decision within five (5) days), the Judicial Committee shall convene a hearing via teleconference as soon as possible which shall include as many members of the Judicial Committee as can be gathered for the emergency teleconference after best efforts to obtain a quorum, and shall also include the aggrieved member and appellee if possible.
4. If the appeal is not urgent, the Judicial Committee shall schedule a hearing either in person or via teleconference at the earliest time convenient for members of the Judicial Committee, the aggrieved member and the appellee, and shall provide written notice of the date, and time for the hearing. Any person entitled to participate in the hearing may do so via teleconference.
5. Notwithstanding anything herein to the contrary, if the urgency of the appeal requires a decision before a quorum of the appropriate Judicial Committee can be gathered despite best efforts to obtain a quorum, then the decision of those Judicial Committee members who were able to participate in the hearing shall be final, and shall not be subject to attack on the basis that a quorum was not present.
6. In any hearing conducted under this section, the aggrieved member shall have the same rights afforded complainants with grievances under Section A, paragraph 6 of this Addendum.
7. In any hearing conducted under this section, the Judicial Committee shall affirm the team selection decision at issue unless the aggrieved member proves by clear and convincing evidence that the decision was not in accord with the published team selection procedures and criteria.

C. **Non-Disciplinary Start Right and Participation Appeals.** Any member of the US Squash who claims that he or she is threatened with denial by US Squash or its representatives of the right to start or participate in any protected competition shall be entitled to review of such decision in accordance with the procedures set forth in this Section. The following procedures shall not apply to alleged denials of start rights or participation rights arising out of disciplinary proceedings conducted in accordance with Section D of this Addendum or to matters falling within the jurisdiction of the USCSS.

1. The officer, representative or staff member of US Squash responsible for determining start or participation rights for any protected competition must immediately notify any member with any expectation of competing or participating in such competition of any decision limiting or blocking such member's competition or participation in the event, and must provide reasons for the decision.
2. As soon as possible after receiving notice that he or she will not be permitted to start or participate in a protected competition (but in all cases within three (3)

days of any written notice of such decision, unless one or more of the days is a weekend or federal holiday, in which case such deadline shall be extended so as to afford the member the benefit of three business days), a member who believes that such decision was improper shall file a written appeal with the CEO of US Squash. The written appeal may be filed in person, via electronic mail, regular mail or by other overnight delivery service. Failure to timely file such an appeal shall be deemed a waiver of any objections to the decision, and that decision shall then become final and non-appealable within US Squash. The written appeal shall include the same information required under Section B, paragraph 1(a) through 1(f) of this Addendum.

3. Upon receiving the written appeal, the CEO shall immediately distribute a copy of the appeal to each member of the Judicial Committee.
4. If the appeal is urgent (i.e., requires a decision within five (5) days), the Judicial Committee shall convene a hearing via teleconference as soon as possible which shall include as many members of the Judicial Committee as can be gathered for the emergency teleconference, after using best efforts to obtain a quorum, and shall also include the aggrieved member and appellee if possible.
5. If the appeal is not urgent, the Judicial Committee shall schedule a hearing either in person or via teleconference at the earliest time convenient for members of the Judicial Committee, the aggrieved member and the appellee, and shall provide written notice of the date, time and type of hearing. Any person entitled to participate in the hearing may do so via teleconference.
6. Notwithstanding anything herein to the contrary, if the urgency of the appeal requires a decision before a quorum of the Judicial Committee can be gathered, then the decision of those Judicial Committee members who were able to participate in the hearing shall be final, and shall not be subject to attack on the basis that a quorum was not present.
7. In any hearing conducted under this section, the aggrieved member shall have the same rights afforded complainants with grievances under Section A, paragraph 6 of this Addendum.
8. In any hearing conducted under this section, the Judicial Committee shall affirm the decision at issue unless the aggrieved member proves by clear and convincing evidence that the decision was improper.

- D. **Suspension from Participation in Competition**. US Squash shall not, through its officers, employees, representatives or otherwise, suspend any member for disciplinary reasons (including violations of the US Squash Code of Conduct or the provisions of any contract between the member and US Squash) from participating or competing in any future “protected competition” (as defined in the USOC By-laws) without fair notice and the opportunity for a hearing concerning such action as set forth below. These procedures shall not apply to any matter falling within the jurisdiction of the USCSS.

1. General Provisions. Credible allegations that any member has violated any relevant federal, state or local law in connection with his or her participation in US Squash activities, has violated US Squash Codes of Conduct or agreements with US Squash, or other policies of US Squash and that such conduct warrants disciplinary action including suspension of competition eligibility may be presented to the Chairperson or Vice Chair of the Judicial Committee, or the CEO or his or her designee. Upon receipt of such credible allegations, it is the duty of such person to immediately notify the Chairman of the Board of Directors and the CEO of the same.
2. Long-term Suspension Proceedings. If the CEO or his or her designee determines that the member who is subject to any allegations contemplated by paragraph 1 (i) may be eligible to compete in a competition under the jurisdiction of the US Squash, WSF or USOC which is scheduled to occur more than fifteen (15) days from the date the CEO or designee receives the allegations, or (ii) may be subject to sanctions including suspension from more than one such competition in which that member is objectively qualified to participate, US Squash shall comply with the following procedures:
 - a) The CEO or his designee shall immediately cause US Squash staff to refer any such allegations referenced in Paragraph 1 of this Section D and any documents or materials relevant to those allegations to the Judicial Committee.
 - b) The Judicial Committee shall prepare and transmit to the US Squash CEO and the member written notice of proposed disciplinary proceedings via overnight delivery service or other similar, verifiable delivery method which notice shall include the following:
 - i. identity of the member at issue;
 - ii. citation of any rules, laws, codes of conduct, policies or provisions of any agreement between the member and US Squash which the member is alleged to have violated;
 - iii. factual basis for such allegation;
 - iv. the maximum potential sanction; and
 - v. proposed time, date and place of the hearing (which shall be scheduled to begin at least seven (7) days before any affected competition, but no more than thirty (30) days after the date of the notice). The time, date and place of the hearing may be subsequently modified by the CEO or his or her designee if necessary to accommodate the schedules of parties, witnesses and other participants, provided however, that the hearing shall not be moved or rescheduled if doing so would prevent participation by the member at issue or prevent the hearing from being concluded at least forty-eight (48) hours before any affected competition.
 - c) The designated member of the Judicial Committee shall conduct such investigation as he or she deems necessary and shall prepare a

written report of findings and recommendations, which shall include a short and plain statement of the operative facts, set forth in numbered sentences or paragraphs, which would form the basis for any disciplinary action. This report shall be transmitted to the Judicial Committee and the member no less than forty-eight (48) hours prior to the start of the hearing.

- d) At any disciplinary hearing, the designated member of the Judicial Committee shall be responsible for presenting all evidence of wrongdoing against the member to the balance of the Judicial Committee. The designated member shall have voice but no vote at the hearing.
- e) The Judicial Committee shall conduct a hearing at the appointed time and place in which the participants shall have the rights set forth in Section A, paragraph 5 of this Addendum. The Judicial Committee may suspend or revoke a member's right to participate in protected competition only if it finds by a unanimous vote (if the panel is composed of three members) or a majority vote (if the panel is composed of five or more) that a preponderance of the evidence shows the member has, in fact, engaged in conduct which violated applicable laws while representing US Squash or in connection with his or her participation in US Squash activities, or has violated US Squash Codes of Conduct, policies or agreements with US Squash
- f) At least twenty-four (24) hours before any affected competition, but in no event more than fifteen (15) days after the hearing, the Judicial Committee shall issue a written decision dismissing the allegations against the member or imposing such disciplinary action as the Panel finds necessary or appropriate.
- g) The foregoing procedures need not be followed, and the Judicial Committee may summarily impose sanctions including suspension or revocation of the member's right to compete if the member at issue waives his or her right to such procedures in writing, which shall be deemed to be an admission of the allegations.

3. Emergency Suspension Procedures. If the CEO or his or her designee determines that the member who is the subject of any allegations contemplated by Paragraph 1 of this Section D above may be eligible to compete in a competition under the jurisdiction of US Squash, the Pan American Squash Federation (FPS), the World Squash Federation (WSF) or USOC which is scheduled to occur within fifteen (15) days, the CEO or his or her designee shall comply with the following procedures:

- a) The allegations at issue shall immediately be transmitted to all available members of the Judicial Committee. Any member of the Judicial Committee who receives such allegations, and on the basis thereof, believes that the clear and convincing evidence demonstrates that emergency suspension is necessary or appropriate, may cause US Squash

staff to provide oral and, if possible, written notice of that decision and proposed action, and shall specifically identify the competition from which the member is proposed to be excluded. The decision must be based on clear and well-documented evidence that the member has violated federal, state or local laws, codes of conduct or policies approved by US Squash.

- b) The proposed action shall not deprive the member of the right to participate in more than one competition.
- c) The member shall have the right to seek review of the suspension before it is carried out by providing to the CEO or his or her designee oral, and if possible, written notice of his or her intent to appeal within twelve (12) hours of notice of a suspension is received. Absent such notice, the proposed suspension shall be carried out. If the member notifies the CEO of his or her intention to appeal, the CEO shall immediately refer the matter to the Judicial Committee for disposition.
- d) If review is demanded by the member, the suspension must be approved by a majority of those Judicial Committee members who, through the best efforts of US Squash, can be contacted prior to the competition and who have a reasonable opportunity to hear both the member and any responsible US Squash representative present and address the charges, personally or via telephone or via electronic mail.
- e) Judicial Committee members may approve the suspension only if the evidence demonstrates that it is the result of clear and well-documented allegations that the member has violated any code of conduct or policy approved by US Squash or any applicable federal, state or local law. In addition, if the Judicial Committee determines that further action is appropriate, it shall initiate long-term disciplinary proceedings in accordance with Paragraph 1 of this Section.
- f) Notwithstanding anything herein to the contrary in this Section 3, or any of its subparagraphs, if the urgency of the request for review requires a decision before the entire Judicial Committee can be gathered, then the decision of those Judicial Committee members who are able to participate in the hearing shall be final and shall not be subject to attack on the basis that fewer than three panel members participated.

E. **Member Misconduct and SafeSport**: The USCSS has been established by the USOC and is charged with the responsibility of monitoring and enforcing compliance with the SafeSport Code for the Olympic and Paralympic Movement (“SafeSport Code”). The provisions of this Section are subject to matters within the jurisdiction of the USCSS. With respect to such matters, discipline will be imposed in accordance with the

adjudication and determination by the USCSS under the provisions of the SafeSport Code.

1. Misconduct. In the event a Member is alleged to have committed any of the following acts (“Misconduct”), the Member may be disciplined:
 - a) Violation of US Squash Safe Sport Policy or any of the rules, regulations, policies or procedures of the Association pertaining to conduct;
 - b) Causing another to violate US Squash Safe Sport Policy or any of the rules, regulations, policies or procedures of the Association pertaining to conduct;
 - c) Engaged in conduct which is detrimental to the Association or which is inconsistent with the best interests of the sport of squash or of the athletes US Squash serves; or
 - d) A Special Category of Misconduct enumerated below or any other sexual misconduct described in US Squash Safe Sport Policy or the SafeSport Code.
2. Special Categories of Misconduct.
 - a) If US Squash becomes aware that any Member:
 - i. Is listed on any State or Federal sexual offender list or registry;
 - ii. Has been declared a sex offender in any applicable State or Federal jurisdiction; or
 - iii. Has been convicted of or has entered a plea of guilty, a statement of no contest, or has been sentenced to any affirmative terms related to a criminal charge or indictment issued by an applicable City, County, State or Federal jurisdiction, and such charge or indictment directly or indirectly involved or related to sexual misconduct, child abuse or conduct that is a violation of any law or regulation that is specifically designed to protect minors; (“Special Categories of Misconduct”), the Association may, without conducting any additional investigation, rely upon such fact, finding or determination and may promptly notify the Member that:
 - a. US Squash intends to terminate the individual’s membership or impose any other discipline for which it is authorized by a specified date; and
 - b. The individual may request a hearing prior to the termination or other discipline becoming effective.
 - b) The hearing, if requested, shall be:
 - i. A telephonic hearing;
 - ii. Implemented on the most expedited basis possible; and
 - iii. Strictly limited to the issue of whether the individual falls into one of the Special Categories of Misconduct.

- c) The decision of US Squash made pursuant to this Section shall be final and binding and shall not be eligible for reconsideration upon later expungement or similar legal process.
- 3. U.S. Center for Safe Sport. US Squash shall report and refer all allegations of sexual Misconduct to the USCSS, and all such matters will be within the USCSS's exclusive jurisdiction. The USCSS shall investigate such allegations or reports, issue any interim suspension or other measures pending the conclusion of the investigation and any hearing(s), make recommendations of sanctions or disciplinary action as a result of such investigation, and fully adjudicate such matters. Members have an obligation to promptly report any possible violations pertaining to sexual Misconduct:
 - a) Directly to the USCSS, or
 - b) Directly to US Squash, which will in turn forward the information to the USCSS.

Reporting to the USCSS and/or the Association DOES NOT satisfy any legal reporting requirements under state or federal law. If the suspected conduct may also be criminal, persons are required to report to law enforcement.

US Squash shall accept jurisdiction over matter referred by the USCSS to US Squash.

- 4. Disposition of Misconduct complaints.
 - a) Discipline may be imposed in accordance with the procedures outlined in this Section only if the Misconduct is one of the Special Categories of Misconduct enumerated.
 - b) The USCSS has exclusive authority and jurisdiction to investigate and manage hearings involving complaints of sexual Misconduct and certain other complaints that are related to allegations involving sexual Misconduct.
 - c) All other forms of Misconduct will be processed under the Association's Misconduct and Reporting Procedures.
 - 5. Exclusive Remedy. Any alleged Misconduct by a Member that is processed under the terms of this Section E resulting in the imposition of discipline may not also be the subject of a complaint under the terms of other Sections of this Addendum. Any alleged Misconduct by a Member that is processed by the USCSS resulting in a final adjudication by the USCSS may not also be the subject of a complaint under the terms of Sections of this Addendum.
- F. **Competition Official Appeals.** Any member aggrieved by the decision of any competition official shall have the right to appeal such decision in accordance with the competition official appeal policies and procedures established and adopted and approved by the Board, which procedures shall comport with general principles of fairness, efficiency, due process and WSF regulations where applicable.

- G. **USOC Review and Arbitration.** Any member who alleges that he or she has been denied the right to compete in any protected competition as defined in Article I, Section 1.3(P) of the USOC By-laws shall have the right to petition the USOC and pursue all remedies available under the USOC By-laws, including binding arbitration.

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