

## **EXHIBIT B**

### USA Ultimate Hearing Panel Procedures

Last Updated November 13, 2019

The following procedures provide a guideline for Hearing Panels to conduct hearings under the provisions of Section 10.8 of USA Ultimate's Bylaws, unless the circumstances of a particular situation require otherwise.

#### 1. Administrative Proceeding Issues:

(a) The hearing shall be closed to the public with the exception of the Hearing Panel, the parties and their counsel.

(b) Each party is entitled to call witnesses, produce evidence and submit information supporting the party's position and is entitled to be represented by a representative or counsel.

(c) Conformity to legal rules of evidence will not be necessary.

(d) The hearing shall be informal, except that testimony shall be taken under oath.

(e) Any party may have a record made of the hearing. A court reporter may be present at the hearing at the request of a party. The court reporter shall be paid for by the party requesting the court reporter, or if mutually agreed, the cost may be equally divided. Any transcript shall be paid for by the party requesting the transcript.

#### 2. Procedural Issues:

(a) Order of Hearing:

(i) Disposition of any Motions

(ii) Opening Statements (time limit established by Chair of Hearing Panel):

(I) Complainant

(II) Respondent

(iii) Presentation of Evidence:

(I) Complainant's Case:

(1) Presentation of evidence, accounts and witness testimony

(2) Cross examination by Respondent

(3) Questions by Hearing Panel

(II) Respondent's Case:

(1) Presentation of evidence, accounts and witness testimony

(2) Cross examination by Complainant

(3) Questions by Hearing Panel

(iv) Closing Statements (time limit established by Chair of Hearing Panel):

- (I) Complainant
- (II) Respondent
- (III) Complainant's rebuttal

(b) Evidence:

(i) Witness Testimony:

(I) Complainant and Respondent, and their respective representatives or counsel, will have the right to call and/or question witnesses.

(II) The Hearing Panel will also have the right to question witnesses.

(III) The Hearing Panel may limit the number of witnesses if to do so is believed necessary to maintain an orderly and timely hearing, yet affords a fair opportunity of the parties to be heard.

(ii) Documentary evidence will be exchanged by the parties in advance of the hearing, if and to the extent practicable, with copies of all documents provided to the Hearing Panel.

(c) Burden of Proof:

(i) Burden of proof rests with the Complainant

(ii) Burden of proof is by a preponderance of the evidence

3. Decision:

(a) The Hearing Panel will deliberate in closed session and will have an opportunity to review all evidence presented.

(b) A decision shall be made by a majority of the Hearing Panel.

(c) The decision shall be in writing and include the grounds for the decision based on the evidence.

(d) The decision shall be distributed to the parties.

(e) The Hearing Panel's decision will be final and binding unless a party is entitled to seek arbitration as referred to in item number 4 below.

4. A party may be entitled to pursue arbitration with the American Arbitration Association if allowed under the provisions of Section 10.12 of USA Ultimate's Bylaws, including if the Hearing Panel's decision involves Right to Participate grievance with respect to which arbitration is allowed as referred to in, and in accordance with, applicable provisions of the Ted Stevens Olympic Amateur Sports Act and the USOC Bylaws.