

# U.S. OLYMPIC AND PARALYMPIC TRIALS PARTICIPANT RULES DEMONSTRATIONS

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## SECTION 1. OVERVIEW

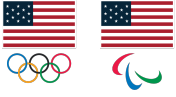
The United States Olympic & Paralympic Committee (USOPC) values the expression of Team USA athletes and believes that their right to advocate for racial and social justice, and be a positive force for change, absolutely aligns with the fundamental values of equality that define Team USA and the Olympic and Paralympic movements. Racial and Social Demonstrations (as defined below) will not be punished or undermined by the USOPC, nor will they affect an athlete's participation rights at a U.S. Olympic or Paralympic Trials event.

## SECTION 2. KEY TERMS USED IN THESE RULES

- (a) **Racial & Social Justice Demonstration (R&S Demonstration):** A Demonstration, which does not include any Impermissible Elements, that is aimed at (1) advancing racial and social justice; or (2) promoting the human dignity of individuals or groups that have historically been underrepresented, minoritized, or marginalized in their respective societal context.

**These are examples of conduct that will be considered an R&S Demonstration:**

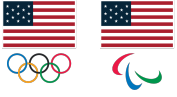
- Wearing a hat or face mask with phrases such as “Black Lives Matter” or “Trans Lives Matter” or words such “equality” or “justice”.
  - Orally advocating for equity/equal rights for Black, Indigenous, and People of Color (BIPOC) individuals, or other historically underrepresented, marginalized or minoritized populations.
  - Holding up one's fist at the start line or on the podium.
  - Kneeling on the podium or at the start line during the national anthem.
  - Advocating for equal treatment of underrepresented, marginalized, or minoritized groups around the world, or against systemic barriers to such equal treatment.
  - Advocating for communities free from police violence, or against systemic police discrimination against Black individuals or other marginalized populations.
- (b) **Impermissible Elements:** Any element of a Demonstration that (a) advocates specifically against other people, their dignity, or their rights, which may include Hate Speech, Racist Propaganda, or threatening, abusive, or Discriminatory Remarks; (b) physically impedes or discourages Trials or medal ceremony participation by another Participant; (c) causes physical harm to others or to property; or (d) violates applicable laws. Impermissible Elements include, for example, the use of slurs, discriminatory remarks or gestures that denigrate,



ridicule, or mock a person or persons based upon their race, ethnicity, gender, gender identity, sexual orientation, disability, economic status, nationality, or country of origin.

**These are further examples of conduct that will be considered an Impermissible Element:**

- Wearing a hat or face mask with a hate symbol or hate speech on it. *\*A list of recognized hate symbols can be found at <https://www.adl.org/hate-symbols>.*
  - Using language expressing hatred or Discriminatory Remarks towards a historically minoritized or marginalized group, including but not limited to Black, Indigenous, People of Color (BIPOC), LGBTQ+ individuals, and individuals with disabilities.
  - Making hand gestures affiliated with hate groups, like white supremacist or terrorist signs.
  - Violent protests or acts that damage property at the Trials Venue or physically threaten or harm other people.
  - Actions/behaviors physically impeding athletes' right to compete, such as blocking lanes by laying on a track or otherwise interfering with a competition.
  - Display of historically discriminatory signs or flags, such as the Confederate flag.
  - Defacing, distorting, or causing physical harm to a national flag.
  - Protests aimed explicitly against a specific organization, person, or group of people.
- (c) **Demonstration:** Any verbal or non-verbal communication that involves expression of views or grievances, engaged in by one or more persons, for example speech, hand gestures, the posting or wearing of signs, flags or banners, messages communicated via clothing, or body tattoos, that express or communicate a point of view or grievance.
- (d) **Discriminatory Remarks:** Acts, behaviors, or speech that jeopardize the equitable treatment of individuals and groups, with particular focus on those that have historically been underrepresented, minoritized, or marginalized in their respective societal setting.
- (e) **Hate groups:** Any group that promotes hatred, hostility, and/or violence towards a historically underrepresented, minoritized, or marginalized population.
- (f) **Hate Speech:** Any kind of communication in speech, writing or behavior that attacks or uses pejorative language or Discriminatory Remarks with reference to a person or a group on the basis of their religion, ethnicity, nationality, race, colour, descent, gender, sexual orientation, socioeconomic status, ability, or other identity factor.

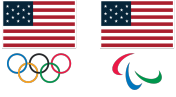


- (g) **Historically underrepresented, minoritized, and/or marginalized groups:** Groups in a given societal context that have been the target of systematic injustice, inequitable treatment, and limited access to societal representation.
- (h) **Other Demonstrations:** A Demonstration other than an R&S Demonstration, whether or not it includes Impermissible Elements (e.g., supporting or opposing a political group, environmental issue, or animal rights issue).
- (i) **Participants:** Any athlete, staff, support personnel, or other person who has access to athletes or athlete areas during Trials.
- (j) **Racial justice:** Intentional actions for the equitable treatment of racially minoritized individuals and groups with the goal of eliminating racial inequities, deconstructing systemic racism, and counteracting racist narratives that target racially minoritized individuals, including Black, Indigenous, and People of Color.
- (k) **Racist Propaganda:** Acts, behaviors, or speech relying on racist beliefs and ideas that promote racial injustice, cultivate racist narratives, disguise systemic racism, and/or target the human dignity of racially minoritized individuals or populations.
- (l) **Social justice:** Intentional actions for the equitable treatment of individuals and groups that have historically been underrepresented, minoritized, or marginalized in their respective societal setting.
- (m) **Trials Venue:** On the field of play or other restricted area at a competition designated by the USOPC as an Olympic or Paralympic Trials.

### SECTION 3. APPLICABILITY

These USOPC Rules apply to all Participants at any U.S. Olympic or Paralympic Trials Venue. The Rules do not apply to any forum other than these U.S. Olympic or Paralympic Trials Venues, where a Participant's conduct will be covered only by the general terms of their participation or their NGB's code of conduct. Although these USOPC Rules apply only to Trials, the USOPC encourages NGBs to adopt similar rules to govern their own events.

These Rules do not apply to the Olympic Games or Paralympic Games. The International Olympic Committee and the International Paralympic Committee have jurisdiction over the Olympic and Paralympic Games, and enforce their Rules 50 and 2.2, respectively. Team USA therefore will be responsible for adherence to a different set of rules to govern demonstrations at the Games, and USOPC guidance for the Games will be published separately.



#### **SECTION 4. STATEMENT OF RULES**

As a general matter, Demonstrations are not permitted at Trials Venues. However, Participants may engage in R&S Demonstrations at Trials Venues. A Participant's choice to engage in an R&S Demonstration at a Trials Venue will not impact team selection, team participation, or results, to the extent it is within the control of the NGB or the USOPC. Other Demonstrations will be subject to enforcement and possible sanctions as provided in these Rules.<sup>1</sup> In addition to engaging in R&S Demonstrations at Trials Venues, Participants may of course use their voice and expressions in other forums, like the press, social media, and areas outside of the Trials Venues, and are encouraged to use their voices and expressions for causes they believe in.

The USOPC will continue to publicly support Participants' right to engage in R&S Demonstrations under these Rules, and will not make any public statement intended to undercut or indicate a lack of support for a Participant's R&S Demonstration. Participants should be aware of the possibility that third parties may react to a R&S Demonstration themselves, that some of these reactions may be negative, that the USOPC will not be able to prevent those third parties from making statements or taking actions of their own, and that each Participant must make their own personal decision about the risks and benefits that may be involved.

If a Participant engages in a Demonstration that includes Impermissible Elements at a Trials Venue, then the USOPC will determine a proportionate consequence for the violation of these Rules, which may range from a warning to removal or disqualification, based on the severity of the violation. The USOPC will also determine, on a case-by-case basis, proportionate consequences for Other Demonstrations.

#### **SECTION 5. RULES ENFORCEMENT**

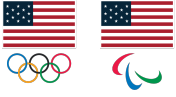
The USOPC is responsible for the enforcement of these Rules, and will have designated personnel on-site at each Trials Venue to enforce it under these Rules and using procedures developed in advance. The NGB will continue to have full authority to enforce its own rules of conduct in other matters; the USOPC's enforcement activity under these Rules will relate only to matters directly covered by the Rules.

##### *(a) Real-Time Enforcement Of Ban On Impermissible Elements and Other Demonstration*

If a USOPC representative observes a Demonstration, or receives a report that a Demonstration is underway at the Trials Venue, it will be reviewed promptly, in accordance with the established

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<sup>1</sup> No policy can provide specific or definitive guidance for every possible demonstration. If a Participant has a question about a particular demonstration or element of these Rules, they can reach out to USOPC Athlete Services at [athleteservices@usopc.org](mailto:athleteservices@usopc.org) to obtain guidance.



procedures, to determine if the Demonstration includes Impermissible Elements or constitutes an Other Demonstration. <sup>2</sup>

Participants who engage in a Demonstration may be notified that the Demonstration is subject to review by the USOPC and may result in sanctioning if it is determined to be in violation of the Rules. A demonstrating athlete will be allowed to participate in their event or future events unless:

- The Demonstration could cause imminent physical harm to people and/or property or,
- Is a violation of local laws, or
- A formal hearing with the TAB has been conducted and the final determination is to remove the athlete from the competition.

*(b) Post-Demonstration Enforcement of Ban on Impermissible Elements and Other Demonstrations*

If a real-time determination cannot be made regarding whether a Demonstration includes Impermissible Elements or constitutes an Other Demonstration, then a USOPC representative will gather information regarding the nature of the completed Demonstration to be reviewed, in accordance with the established procedures, to determine if the Demonstration includes Impermissible Elements or constitutes an Other Demonstration.

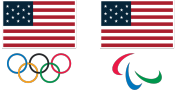
## **SECTION 6. POTENTIAL SANCTIONS FOR VIOLATION OF THESE RULES**

The USOPC may impose a proportionate consequence on a Participant who violates these Rules, including, but not limited to:

- (a) A warning;
- (b) Limitations on further access to Trials Venues;
- (c) Expulsion from Trials;
- (d) Recommendation to the NGB and the USOPC of the loss of the privilege to participate in future Olympic, Paralympic, Pan American, Parapan American, and Youth Olympic Games, as well as other USOPC-sponsored events;
- (e) Denial of funding from the USOPC Athlete Support Programs or access to other USOPC-sponsored programs for which the Team member may be eligible; or
- (f) Performance of a specified task or tasks, such as a formal written and/or oral apology or completion of training or education on diversity, equity, and inclusion.

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<sup>2</sup> The USOPC may review an athlete's apparel and equipment before an athlete enters the Trials Venue to determine if any logos, markings, or other physical Demonstrations include Impermissible Elements or are Other Demonstrations.



## **SECTION 7. REPORTING VIOLATION**

Any individual may report an alleged violation of these Rules to a USOPC representative on site at the Trials, or by contacting [trialsconduct@usopc.org](mailto:trialsconduct@usopc.org) at any time before completion of the Trials.

## **SECTION 8. DISSEMINATION OF THESE RULES**

Each NGB must provide a copy of these Rules to all anticipated Participants in its U.S. Olympic or Paralympic Trials at least two weeks before its Trials are to commence.

## **SECTION 9. DISPUTE RESOLUTION**

### **A. Applicability**

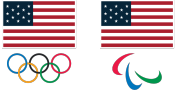
This dispute resolution process provides Participants at a Trials Event with the opportunity to have a hearing in front of the USOPC Trials Administrative Board (TAB) regarding any violation of these Rules for a final and binding decision.

### **B. Sanction Imposed and Notification**

After a USOPC representative obtains information related to the occurrence of alleged Impermissible Elements or Other Demonstration, the USOPC will determine if a violation occurred and decide the appropriate sanction to be imposed. The USOPC will notify the Participant of its decision and the opportunity to accept the sanction or to request a hearing. If a Participant does not request a hearing within the time period allowed, the sanction will go into effect.

### **C. Request for Hearing**

If the Participant wants to (i) challenge the violation and/or (ii) the sanction imposed, the Participant may request a hearing in front of the TAB. This request must be made to [DRU@usopc.org](mailto:DRU@usopc.org) within 90 minutes from the Participant's notification of imposition of the sanction, unless this notification is received less than 90 minutes before a Trials event in which the Participant is competing, in which case the request must be made within 30 minutes of the conclusion of that event.



#### **D. USOPC Dispute Resolution Unit**

If a Participant requests a hearing, the USOPC Dispute Resolution Unit (DRU) will initiate the proceeding.

DRU is responsible for ensuring that all disputes are heard in an expedited, fair and impartial manner. DRU may modify these procedures at any time for the effective administration of complaints taking into consideration any time constraints, while also ensuring fairness to all parties.

An attorney from DRU will serve as an impartial counsel to the TAB solely to answer questions and provide legal assistance when requested, and will not in any way take part in rendering the decision or influencing the TAB.

#### **E. Trials Administrative Board**

DRU will convene the TAB to hear and render a decision on the dispute.

The TAB is comprised of the following individuals:

1. USOPC Board Chair
2. USOPC CEO
3. National Governing Body Council (NGBC) Chair
4. Athletes' Advisory Council (AAC) Chair
5. 10 Year+ Athlete\* (designated position from the Chef de Mission)

Any member of the TAB may designate an alternate. No member on the TAB will have a direct interest, either personally or by virtue of organizational affiliation, in the outcome of the proceeding. As long as a quorum<sup>3</sup> of the panel members is present, the hearing may proceed.

The USOPC Board Chair, or their designee, will be chair of the panel.

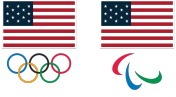
*\*10 Year+ Athlete is defined in the USOPC Bylaws*

#### **F. Initiation of the Proceeding**

DRU will immediately provide confirmation of the request for hearing to the Participant, the USOPC, the NGB, and the reporting party (if applicable). DRU will provide details about the proceeding, including information about the date, time, and call-in details for the hearing.

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<sup>3</sup> A majority of the panel members (i.e., 3 of the 5 panel members) will be necessary to establish a quorum.



## **G. Conduct of the Proceeding**

The TAB will run the proceeding, with assistance from DRU. The proceeding will be held telephonically or through videoconference on an expedited basis. The TAB has the authority to rule on all matters raised in the proceeding, and will set such other rules regarding the proceeding and the conduct of the hearing as it deems necessary.

The Participant, USOPC, NGB and the reporting party (if applicable) will be permitted to present evidence relating to the violation of these Rules. The TAB may ask questions at any time.

## **H. DE&I Expert**

A DE&I expert will serve as an advisor to the TAB to provide support and expertise as needed.

## **I. Decision**

The TAB will render a written decision promptly after the hearing, and a verbal or operative decision may be rendered on an expedited basis. The decision will be determined by a majority of the TAB based on a preponderance of the evidence before the TAB and will be final and binding.

The TAB has the authority to impose any consequence, including removal. The consequence will be in effect immediately after a decision is made, unless stated otherwise.

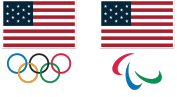
## **J. Representative**

The Participant, or any other individual/entity participating in the proceeding, has the right to have counsel or a representative present at any point during these proceedings at their own expense.

## **SECTION 10. RULES IMPLEMENTATION REVIEW**

Beginning in 2022 and at least each Olympic and Paralympic quadrennium thereafter, the USOPC will commission a detailed review and report on these Rules and their implementation, in order to identify any areas for improvement or clarification. This review will include at least the language of the Rules themselves, and the specific decisions and outcomes of the decision making and dispute resolution processes contemplated herein. This review and report will be sought from a group of athlete and independent individuals, including individuals with expertise and experience in the fields of racial and social justice and diversity, equity, and inclusion. The report may include recommendations from that group.





## SECTION 11. RESOURCES

### *Office of the Athlete Ombuds*

The Office of the Athlete Ombuds is available to provide independent and confidential advice to athletes regarding their rights under these Rules and to assist in the resolution of athlete concerns and disputes. Athletes may contact the Athlete Ombuds at: [ombudsman@usathlete.org](mailto:ombudsman@usathlete.org) or 719-866-5000 or visit their website at [www.usathlete.org](http://www.usathlete.org) for more information and resources.