

GUIDE TO FEDERATION RULE ENFORCEMENT AND HEARING PROCESS



INTRODUCTION

This pamphlet has been drafted to provide general information and to help you understand the Federation Rule enforcement and administrative hearing process. It does not purport to be a substitute for legal advice. If you are charged with a Federation Rule violation, you are encouraged to consult with your representative regarding the best way forward in your particular case.

Please be advised that the information in this pamphlet is subject to change at any time and in the case of a discrepancy between this information and the Federation Rules, the Federation Rules take precedence and prevail over this information.

The Federation Rules can be found at www.usef.org

If you require clarifications on a topic that is not covered in this pamphlet, please direct your inquiry to useflegal@usef.org

GENERAL BACKGROUND

Q: What is the Hearing Committee and what does it do?

A: The Hearing Committee consists of a group of independent and autonomous Federation members who are approved by the Federation Board of Directors. The Committee is representative of a geographical balance of Federation members, affiliates, breeds, and disciplines. The Hearing Committee members are volunteers and therefore not paid by the Federation for their service. The Committee considers evidence presented to it in cases brought under the Federation Rules. The Hearing Committee makes decisions about whether a rule violation occurred and if so what the appropriate penalty is to impose. The Committee affords members fair, impartial, timely, and efficient hearings.

Q: How is the Hearing Committee Populated?

A: The Hearing Committee is made up of at least eleven Federation members who are appointed by the Federation President and approved by the Board of Directors. A panel is formed from the Hearing Committee for each session of hearings. Typically, five members serve on each Hearing Committee Panel; however, a minimum of three members is required for each Hearing Committee Panel.

Q: How often are hearings conducted?

A: At the beginning of each year, five hearing sessions are scheduled for the calendar year. Each session is scheduled for three days.

PRE-HEARING: NON-DRUGS AND MEDICATIONS ALLEGED RULE VIOLATIONS

Q: What happens when someone reports a rule violation to the Federation?

A: When the Federation receives a report of an alleged rule violation, an investigation is initiated by the Regulations Department. Initially, the Regulations Department will send an inquiry letter to the person who allegedly violated the rule to gather information and provide them with an opportunity to explain the circumstances surrounding the complaint.

Q: Is the process the same for allegations of Safe Sport violations?

A: Not always. When the Federation receives a report of sexualized misconduct in violation of the Safe Sport policies, the matter is referred to an investigator to conduct a thorough investigation of the allegations.

The U.S. National Center for Safe Sport (the “Center”) is scheduled to launch in mid-2016. It will have exclusive jurisdiction for all reports of sexualized misconduct and the Federation will report all allegations to the Center for investigation, adjudication, and imposition of penalties.

Q: What happens after a response to the inquiry letter is submitted?

A: The response and any other information collected about the alleged rule violation is reviewed by the Chief Executive Officer, or his designee, to determine what action should be taken.

He may take no action; issue a Warning and close the file; offer an Administrative Penalty and after accepted and complied with, close the file; or issue a Charge.

Q: What happens once a Charge or Protest is issued against me?

A: The Federation will send you a written notice of the specific charges in writing.

Q: Are charges ever resolved without having a hearing?

A: Yes, in some circumstances an Administrative Penalty may be offered and accepted in lieu of a hearing. In other instances, a plea agreement may be reached between the parties. In either circumstance, the agreement is subject to approval by the Hearing Committee Co-Chairs.

Q: If a matter goes to hearing, when does the hearing occur?

A: The Federation provides a reasonable time between receipt of the notice of charge and the hearing within which to prepare a defense. A written Notice of Hearing will be issued identifying the date and time the hearing will occur. It will also identify the panel members appointed for the hearing.

Q: What if I believe that one of the Hearing Committee Panel members has a conflict of interest?

A: You will be afforded a hearing before an impartial panel of fact finders with the opportunity to object to anyone on the panel for good cause.

Q: Can I contact the Hearing Committee Panel members prior to my hearing to give them information that I think they need to know?

A: No, neither party can contact a panel member for the purpose of discussing the pending matter.

Q: What if I have an emergency or cannot prepare my defense for the scheduled hearing. Can I request a continuance?

A: Yes, you may request a continuance. The request must be made in writing to the Federation as soon as the need for a continuance is known. An explanation as to the reason for the request must be provided. Requests for continuances are granted at the discretion of the Hearing Committee if there is good cause shown. An emergency postponement may be granted by the Hearing Committee in the event that either party suffers emergency circumstances such as severe illness, natural catastrophe, or another emergency. See Federation General Rule 607.

PRE-HEARING: DRUGS AND MEDICATIONS RULE VIOLATIONS

Q: How does the Federation select horses for testing?

A: The Federation uses two primary methods for the selection of horses for in-competition testing. One method, which is most commonly used, is random selection. Another method used is the selection of horses based on their placing in a class. For example, the top three placed horses may be selected. These methods are not exclusive.

Q: Who will collect the samples from my horse?

A: A licensed veterinarian is appointed by the Federation to collect samples at competitions. The testing vet collects the blood samples. The testing vet may appoint a technician to perform certain duties on their behalf, including the collection of urine samples for testing.

Q: Where do I go if my horse is selected for testing?

A: You, or someone you designate on your behalf, and your horse will either go to a designated testing area or head back to the horse's stall with someone from the testing team.

Q: Can I accompany my horse while samples are drawn?

A: Yes, in fact the Federation encourages you or someone designated by you stay with the horse to witness the collection of samples and the sealing of the sample containers.

Q: Will blood or urine samples be taken from my horse?

A: The testing vet and technician will make every effort to collect both blood and urine samples from your horse.

Q: How are my samples labeled and identified?

A: The technician will complete a sample identification card with the necessary information. This sample identification card will contain a barcode number. You can enter this barcode number on the website to see if your horse's samples cleared testing.

You can check online whether your sample has cleared at <https://www.usef.org/barcodelookup/> by inputting your barcode number from the sample identification card.

Q: What happens after the samples have been collected from my horse?

A: After the samples are collected, the testing vet will send the samples directly to the Federation Equine Drug Testing and Research Laboratory to be tested.

Q: What happens once my samples reach the Federation Equine Drug Testing and Research Laboratory?

A: Once the samples reach the Federation Equine Drug Testing and Research Laboratory, the B sample is stored securely. Only the A sample is tested initially.

Q: Is the lab that runs the A Samples an accredited lab?

A: Yes the Federation Equine Drug Testing and Research Laboratory is ISO/IEC/17025:2005 accredited.

Q: How will I know if my sample has returned a positive?

A: If the sample has returned a positive finding, the Regulations Department will send an inquiry letter to the trainer and owner of the horse to gather information and provide them with an opportunity to explain the circumstances surrounding the positive finding.

Q: Can I have a B sample tested?

A: Yes, you have 15 days following the notice of charge to request that the B sample be tested.

Q: Can I have the B Sample tested at a lab other than the Federation lab?

A: The B sample testing must be performed by a drug testing laboratory that is mutually agreed upon by you and the Counsel of the Equine Drugs and Medications Committee.

Q: If my horse's samples are negative, are they ever retested?

A: Yes. Samples may be frozen for three years from date of collection and maintained at the Federation Equine Drug Testing and Research Laboratory for possible future testing.

HEARING

Q: When and where does the hearing occur?

A: The hearing will occur within a reasonable amount of time after the charge is issued. You will be given reasonable notice and you will have sufficient time to prepare the presentation of your case.

The hearing will take place at the Federation's Headquarters in Lexington, KY.

Q: Do I need a lawyer to represent me at the hearing?

A: You have the right to be represented in the presentation of your case at the hearing. If you retain a lawyer, it's at your expense.

Q: Can I call witnesses to testify at the hearing?

A: Yes, you have the right to call witnesses and to present oral and written evidence and arguments. You also have the right to cross-examine adverse witnesses. All witnesses who testify do so under oath.

Q: Is the hearing open to the membership?

A: No. All hearings are closed to the membership. Only the parties to the matter and their representatives may attend the hearing. Others present include the Hearing Committee Panel, Secretary to the Hearing Committee, Legal Counsel to the Hearing Committee, Court Reporter, and witnesses for the parties.

Q: Is there a record made of the hearing?

A: Yes, a court reporter is present to make a record of the proceedings. A copy of the transcript is available for purchase by any party to the proceeding.

POST-HEARING

Q: How does the Hearing Committee Panel make a decision?

A: Following the hearing, the Hearing Committee Panel goes into a closed deliberation session. During this session, the Hearing Committee Panel members consider all of the evidence presented in the case. They first determine whether the Federation met its burden of proof that the alleged violation occurred. If the Hearing Committee Panel determines there was a violation, they then enter the penalty phase of the deliberations.

During the penalty phase, the Hearing Committee Panel considers: the facts and circumstances of the case, the Federation Drugs & Medications Penalty Guidelines, the penalties that have been imposed for similar violations, and whether the individual has any prior offenses that warrant a penalty enhancement.

Q: Will I know the Hearing Committee Panel's decision the same day as the hearing?

A: No. A written decision, with reasons therefore, based solely on the evidence in the record is issued following the hearing. The typical time frame is within 60 days of the hearing.

Q: What if I believe that the Hearing Committee Panel's decision is erroneous?

A: You have an opportunity to request a review of the Hearing Committee Panel's decision. The decision to grant a review is exclusively in the discretion of the Hearing Committee. See Federation General Rule 612.

Q: What if I discover new evidence after the hearing that was not discoverable prior to the hearing?

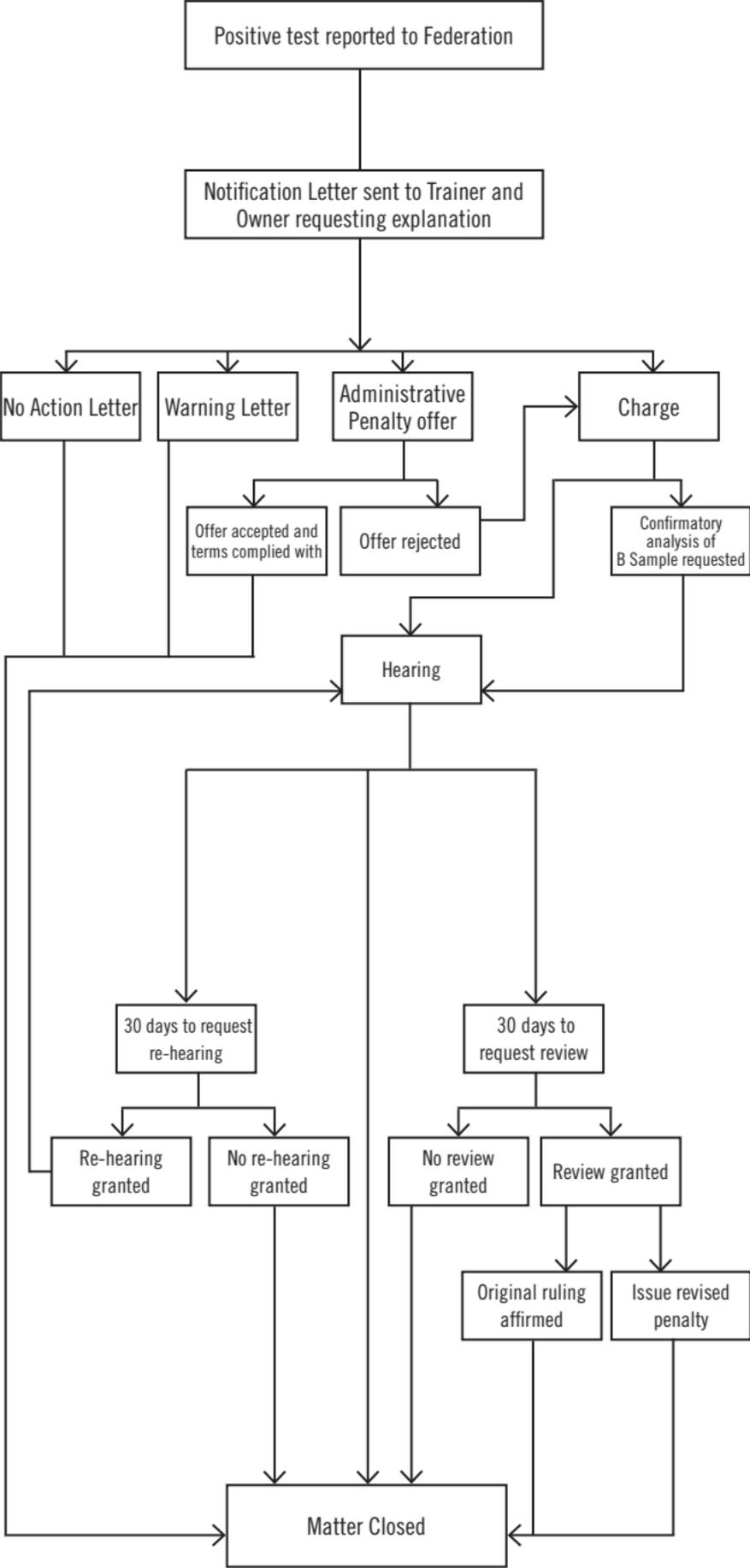
A: If it is found that new facts, which were not discoverable at the time of the original hearing, have come to light, you may request a rehearing. The decision to grant a rehearing is exclusively in the discretion of the Hearing Committee. See Federation General Rule 613.

ADDITIONAL QUESTIONS?

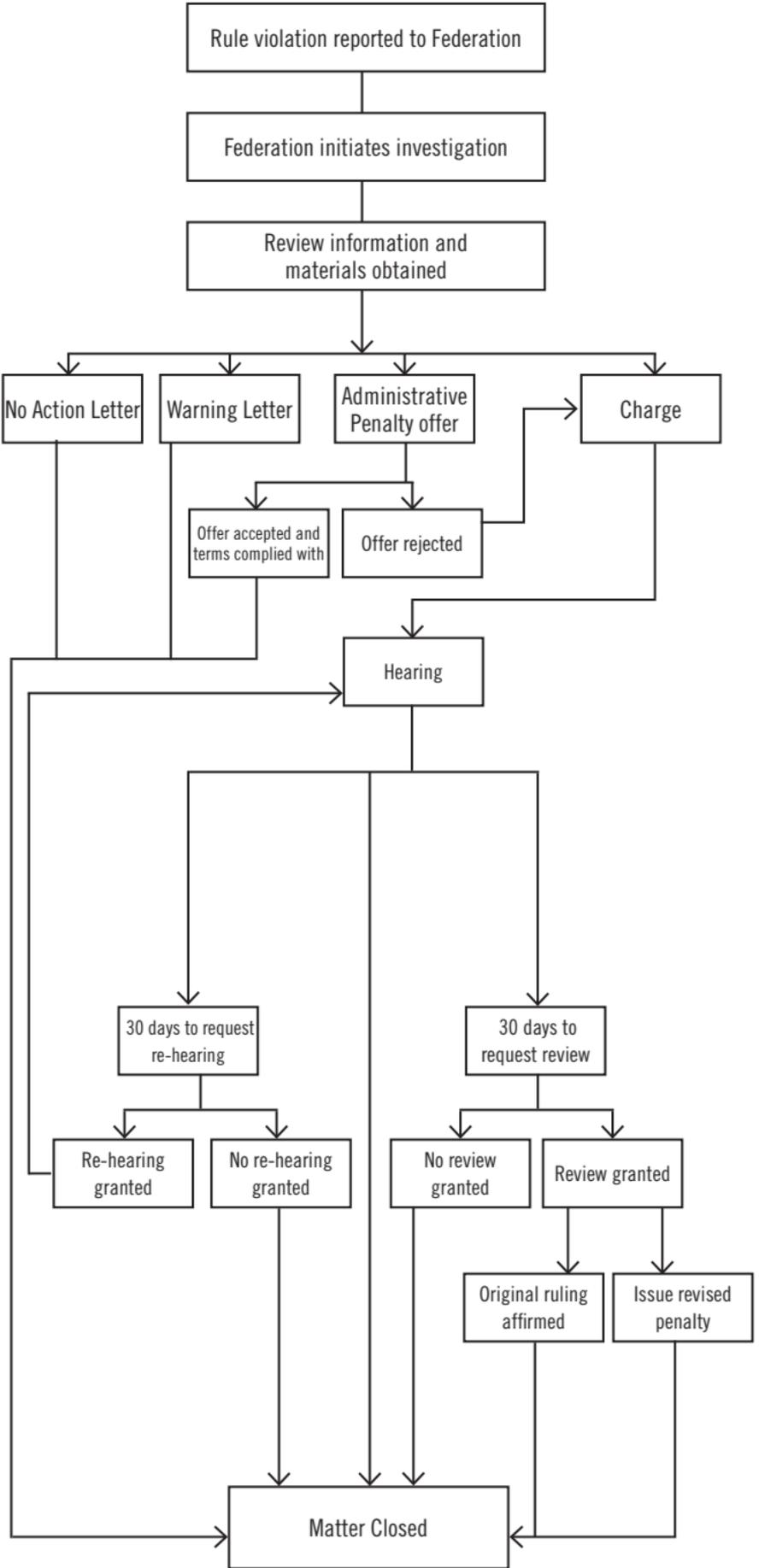
If you have any questions about the hearing process that are not answered within, contact Emily Pratt, Director of Regulations at epratt@usef.org

The above is a brief informative summary of Federation Rules and procedures as of the date of this publication, which are subject to change. In all cases, the Rules and procedures in force take precedence and should be consulted. Rules changes can be found on the Federation website at www.usef.org

**PROCESS FOR HANDLING
FEDERATION AND DRUGS & MEDICATIONS
RULE VIOLATIONS**



PROCESS FOR HANDLING REPORTED FEDERATION RULE VIOLATIONS





UNITED STATES EQUESTRIAN FEDERATION
THE NATIONAL GOVERNING BODY FOR EQUESTRIAN SPORT

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