

**CEO POLICY MANUAL OF  
THE UNITED STATES ROWING ASSOCIATION**

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## **ARTICLE II- MEMBERSHIP POLICIES AND PROCEDURES**

### **REMOVAL OF MEMBERS**

I.01 Misconduct. In the event a member is alleged to have engaged in any of the following conduct (“Misconduct”), the member may be disciplined:

- a) Violation of the Bylaws, rules, regulations or policies of the USRowing;
- b) Causing another to violate the Bylaws, rules, regulations or policies of the USRowing; or
- c) Engaged in conduct which is detrimental to the USRowing or which is inconsistent with the best interests of the sport of rowing or of the athletes the USRowing serves; or
- d) A Special Category of Misconduct enumerated below (I.02) or any other sexual misconduct described in USRowing’s Internal Policies and Participant Safety Handbook.

Discipline may be imposed in accordance with the procedures outlined in this Article I.02 only if the Misconduct is one of the Special Categories of Misconduct enumerated below. All other forms of Misconduct will be processed under Article IV of these procedures.

I.02 Special Categories of Misconduct.

(a) If USRowing becomes aware that any individual 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 or no contest 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 President may, without conducting any additional investigation, rely upon such fact, finding or determination and may promptly notify the member that:

- (1) USRowing intends to terminate the individual's membership or impose any other discipline authorized in Article IV by a specified date; and
- (2) 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) Conducted by a panel to include: the President, the CEO and an athlete representative to the USRowing board of directors;
- (iii) Implemented on the most expedited basis possible; and
- (iv) Strictly limited to the issue of whether the individual falls into one of the

## Special Categories of Misconduct.

(c) The decision of the panel made pursuant to this Section shall be final and binding.

I.03 Exclusive Remedy. Any alleged Misconduct by a member that is processed under the terms of Article I.02 may not also be the subject of a complaint under the terms of Article IV of these Bylaws, unless the Grievance Committee provides its prior agreement.

## **GENDER IDENTITY (BOD Approved June 2016)**

### **Introduction:**

The following Gender Identity Policy is applicable for athletes competing in USRowing domestic competitions only. Any athlete competing for placement on an international team, or athletes representing the United States in an international event, shall follow the rules consistent under the entity running that event, for example, FISA or the IOC. It is important to note that those rules may not be consistent with USRowing's policy.

State and federal laws and guidelines may also exist that will shape policy related to issues around facility use, access and travel policy. USRowing's Gender Identity Policy relates to participation in competition.

### **Policy:**

Upon registering for USRowing, athletes shall list their gender for race category purposes as part of their membership profile based on their expressed gender identity.

### **Changes or Updates to Gender Identity in USRowing Membership Profile:**

The following process is available to athletes requesting that USRowing make a determination recognizing a change of their expressed gender identity or a challenge is made to someone's gender identity:

### **Youth Level (Youth, Junior, High School, Scholastic, U19, U17, U15)**

Athletes at the youth level (youth, junior, high school, scholastic, U19, U17, U15) shall be allowed to participate in a rowing activity in accordance with their expressed gender identity irrespective of the gender listed on the athlete's birth certificate or student records, and regardless of whether the athlete has undergone any medical treatment.

If an athlete wishes to change his/her gender identity as listed in the membership profile in order to participate in an activity in a manner consistent with his/her gender identity, all discussion and documentation will be kept confidential, and any proceedings will be sealed unless the athlete and family make these records available.

1. Notice to USRowing: The athlete and/or parents shall contact the USRowing Director of Membership Services indicating that the athlete has a consistent gender identity different from the gender listed in the USRowing membership database, and that the athlete desires to participate in activities in a manner consistent with his/her gender identity.
  - a. USRowing may use the following criteria to determine participation, all of which shall be furnished by the petitioner at USRowing's request:
    - i. Current transcript and school registration information
    - ii. Documentation of the athlete's consistent gender identification (e.g., written statements from the athlete and/or parent/guardian and/or health care provider)
    - iii. Any other pertinent documentation or information
  - b. USRowing shall notify the petitioner of the result in determination within seven (7) business days.
2. Once USRowing grants the athlete eligibility to participate in the sport consistent with his/her expressed gender identity, the eligibility is granted for the duration of the athlete's participation and does not need to be renewed each season or year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the athlete and family make these records available.
3. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete and family make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.
4. Notification shall be made to the athlete's member organization regarding the athlete's eligibility three days following notice to the athlete, unless otherwise requested in writing by the athlete.
5. If there is any bona fide challenge or question as to whether an athlete's request to participate is consistent with his or her gender identity, a written petition must be filed with USRowing Director of Membership stating the reason(s) for questioning the gender identity. It is the sole discretion of the Director of Membership as to whether such a petition will be heard. Should the petition be deemed worthy of review, the petitioner has the burden to prove that the athlete in question does not meet the eligibility for participation through the procedure set forth below and the athlete will be notified that a challenge has been made and that a hearing will take place.

It is inappropriate for an athlete to be challenged directly with questions regarding gender identity. All challenges must follow the procedures set out in the Gender Identity Policy. If a question arises during an event, the athlete should be allowed to participate as registered and any challenge should follow this procedure.

- a. The petitioner has the burden of proof in any challenge to an athlete's gender identity during a hearing on the matter in front of the Gender Identity Eligibility Committee. USRowing shall schedule a hearing as expeditiously as possible, but in no case later than five (5) business days

- prior to the first competition that is the subject of the petition, or within a reasonable time thereafter in cases of emergency.
- b. The Gender Identity Eligibility Committee will be composed of a three-person panel, at least one of whom must be from the physician or mental health professional categories:
    - i. A qualified physician, psychiatrist, psychologist, or licensed mental health professional familiar with gender identity standards of care.
    - ii. USRowing CEO or designee
    - iii. Individual familiar with issues of gender identity and expression
  - c. The athlete shall have the right to participate in the hearing but is not obligated to do so. An athlete's lack of participation in the process shall not be construed as impacting the burden of proof held by the petitioner.
  - d. Documentation: the petitioner should provide the Eligibility Committee with the following documentation and information:
    - i. Documentation of actions by the athlete that are inconsistent with the athlete's gender identification
    - ii. Any other pertinent documentation or information
  - e. Committee Decision Process: The case will be evaluated based on the evidence and testimony presented, with the burden of proof on the petitioner to make their case.
  - f. The determination shall be made with a majority vote of the Eligibility Committee. The committee's decision shall be binding and final. Communication of the decision shall be made through the USRowing CEO as to the athlete's eligibility to participate in USRowing activities consistent with the athlete's gender identification.
  - g. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete and family make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.

### **Collegiate Level**

Collegiate athletes under the jurisdiction of the NCAA, or other national governing organizations, are subject to the transgender rules or regulations of those organizations when competing in their events. If an athlete has gone through the NCAA procedures regarding gender identity, USRowing will accept the NCAA decision, and the athlete may not use the USRowing process.

**Policy:** A transgender athlete at the collegiate level shall be allowed to participate in a rowing activity in accordance with his or her expressed gender identity irrespective of the gender listed on the athlete's birth certificate or student records, and regardless of whether the athlete has undergone any medical treatment.

If an athlete wishes to change his/her gender identity as listed in the membership profile in order to participate in an activity in a manner consistent with his/her gender identity,

all discussion and documentation will be kept confidential, and any proceedings will be sealed unless the athlete makes these records available.

1. Notice to USRowing: The athlete shall contact the USRowing Director of Membership Services indicating that the athlete has a consistent gender identity different from the gender listed in the USRowing membership database, and that the athlete desires to participate in activities in a manner consistent with his/her gender identity.
  - a. USRowing may use the following criteria to determine participation, all of which shall be furnished by the petitioner at USRowing's request:
    - i. Current transcript and school registration information
    - ii. Documentation of the athlete's consistent gender identification (e.g., written statements from the athlete and/or health care provider)
    - iii. Any other pertinent documentation or information
  - b. USRowing shall notify the petitioner of the result in determination within seven (7) business days.
2. Once USRowing grants the athlete eligibility to participate in the sport consistent with his/her expressed gender identity, the eligibility is granted for the duration of the athlete's participation and does not need to be renewed each season or year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the athlete makes these records available.
3. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete makes a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.
4. Notification shall be made to the athlete's member organization regarding the athlete's eligibility three days following notice to the athlete, unless otherwise requested in writing by the athlete.
5. If there is any bona fide challenge or question as to whether an athlete's request to participate is consistent with his or her gender identity, a written petition must be filed with USRowing Director of Membership stating the reason(s) for questioning the gender identity. It is the sole discretion of the Director of Membership as to whether such a petition will be heard. Should the petition be deemed worthy of review, the petitioner has the burden to prove that the athlete in question does not meet the eligibility for participation through the procedure set forth below and the athlete will be notified that a challenge has been made and that a hearing will take place.

It is inappropriate for an athlete to be challenged directly with questions regarding gender identity. All challenges must follow the procedures set out in the Gender Identity Policy. If a question arises during an event, the athlete should be allowed to participate and any challenge should follow this procedure.

- a. The petitioner has the burden of proof in any challenge to an athlete's gender identity during a hearing on the matter in front of the Gender Identity Eligibility Committee. USRowing shall schedule a hearing as expeditiously as possible, but in no case later than five (5) business days prior to the first competition that is the subject of the petition, or within a reasonable time thereafter in cases of emergency.
- b. The Gender Identity Eligibility Committee will be composed of a three-person panel, at least one of whom must be from the physician or mental health professional categories:
  - i. A qualified physician, psychiatrist, psychologist, or licensed mental health professional familiar with gender identity standards of care.
  - ii. USRowing CEO or designee
  - iii. Individual familiar with issues of gender identity and expression
- c. The athlete shall have the right to participate in the hearing but is not obligated to do so. An athlete's lack of participation in the process shall not be construed as impacting the burden of proof held by the petitioner.
- d. Documentation, the petitioner should provide the Eligibility Committee with the following documentation and information:
  - i. Documentation of actions by the athlete that are inconsistent with the athletes's gender identification
  - ii. Any other pertinent documentation or information
- e. Committee Decision Process: The case will be evaluated based on the evidence and testimony presented, with the burden of proof on the petitioner to make their case.
- f. The determination shall be made with a majority vote of the Eligibility Committee. The committee's decision shall be binding and final. Communication of the decision shall be made through the USRowing CEO as to the athlete's eligibility to participate in USRowing activities consistent with the athlete's gender identification.
- g. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete and family make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.

**Remaining Athletes (includes masters, senior, intermediate, U23, 18 and over who are not in college or high school)**

A transgender athlete over the age of 18, who is not considered a youth or collegiate rower, shall be allowed to participate in a rowing activity in accordance with his or her expressed gender identity irrespective of the gender listed on the athlete's birth certificate and regardless of whether the athlete has undergone any medical treatment.

If an athlete wishes to change his/her gender identity as listed in the membership profile in order to participate in an activity in a manner consistent with his/her gender identity,

all discussion and documentation will be kept confidential, and any proceedings will be sealed unless the athlete makes these records available.

1. Notice to USRowing: The athlete shall contact the USRowing Director of Membership Services indicating that the athlete has a consistent gender identity different from the gender listed in the USRowing membership database, and that the athlete desires to participate in activities in a manner consistent with his/her gender identity.
  - a. USRowing may use the following criteria to determine participation, all of which shall be furnished by the petitioner at USRowing's request:
    - i. Current transcript and school registration information
    - ii. Documentation of the athlete's consistent gender identification (e.g., written statements from the athlete and/or health care provider)
    - iii. Any other pertinent documentation or information
  - b. USRowing shall notify the petitioner of the result in determination within seven (7) business days.
2. Once USRowing grants the athlete eligibility to participate in the sport consistent with his/her expressed gender identity, the eligibility is granted for the duration of the athlete's participation and does not need to be renewed each season or year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the athlete makes these records available.
3. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete makes a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.
4. Notification shall be made to the athlete's member organization regarding the athlete's eligibility three days following notice to the athlete, unless otherwise requested in writing by the athlete.
5. If there is any bona fide challenge or question as to whether an athlete's request to participate is consistent with his or her gender identity, a written petition must be filed with USRowing Director of Membership stating the reason(s) for questioning the gender identity. It is the sole discretion of the Director of Membership as to whether such a petition will be heard. Should the petition be deemed worthy of review, the petitioner has the burden to prove that the athlete in question does not meet the eligibility for participation through the procedure set forth below and the athlete will be notified that a challenge has been made and that a hearing will take place.

It is inappropriate for an athlete to be challenged directly with questions regarding gender identity. All challenges must follow the procedures set out in the Gender Identity Policy. If a question arises during an event, the athlete should be allowed to participate and any challenge should follow this procedure.

- a. The petitioner has the burden of proof in any challenge to an athlete's gender identity during a hearing on the matter in front of the Gender Identity Eligibility Committee. USRowing shall schedule a hearing as expeditiously as possible, but in no case later than five (5) business days prior to the first competition that is the subject of the petition, or within a reasonable time thereafter in cases of emergency.
- b. The Gender Identity Eligibility Committee will be composed of a three-person panel, at least one of whom must be from the physician or mental health professional categories:
  - i. A qualified physician, psychiatrist, psychologist, or licensed mental health professional familiar with gender identity standards of care.
  - ii. USRowing CEO or designee
  - iii. Individual familiar with issues of gender identity and expression
- c. The athlete shall have the right to participate in the hearing but is not obligated to do so. An athlete's lack of participation in the process shall not be construed as impacting the burden of proof held by the petitioner.
- d. Documentation, the petitioner should provide the Eligibility Committee with the following documentation and information:
  - i. Documentation of actions by the athlete that are inconsistent with the athletes's gender identification
  - ii. Any other pertinent documentation or information
- e. Committee Decision Process: The case will be evaluated based on the evidence and testimony presented, with the burden of proof on the petitioner to make their case.
- f. The determination shall be made with a majority vote of the Eligibility Committee. The committee's decision shall be binding and final. Communication of the decision shall be made through the USRowing CEO as to the athlete's eligibility to participate in USRowing activities consistent with the athlete's gender identification.
- g. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the athlete and family make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.

### **National Teams**

USRowing must and will follow all FISA, USOC and IOC rules and regulations regarding transgender athletes in regards to its selection of national teams – including, but not limited to, Olympic, Paralympic, Senior, Under 23 and Junior teams – including selection camp invitations, selection regattas and national team trials.

## **ARTICLE II WHISTLEBLOWER POLICY**

The United States Rowing Association (“USRowing”) is committed to high standards of ethical, moral and legal financial and business conduct. In line with this commitment, USRowing’s Code of Conduct Policy, and USRowing’s commitment to open communication, this policy aims to provide an avenue for directors, standing committee members and employees to raise concerns regarding the financial, accounting, business and legal conduct and reassurance that they will be protected from reprisals or victimization for whistleblowing.

This Whistleblower Policy is complimentary to and is not intended to replace or impede USRowing’s Grievance Procedure found under Article III. in the Chief Executive Officer’s Manual. Those who believe themselves aggrieved by (1) an action of the Association, or (2) an action of an organizational or individual member of the Association, where such action is alleged to violate the aggrieved member’s rights under the USRowing Bylaws, or applicable law governing amateur sport or is otherwise inconsistent with the best interests of the sport of rowing should seek redress under USRowing’s Grievance Procedure.

### **Reporting Responsibility**

It is the responsibility of all directors, standing committee members and employees to comply with USRowing’s Code of Conduct Policy, as it applies to financial, accounting and business conduct and transactions, and applicable law and to report violations or suspected violations in accordance with this Whistleblower Policy. A person who has knowledge of a violation of USRowing’s Code of Conduct or an applicable law but fails to report such a violation is not protected by this policy.

### **Confidentiality**

USRowing will treat all communications under this policy in a confidential manner, except to the extent necessary (1) to conduct a complete and fair investigation; (2) for review of USRowing operations by USRowing’s Board, its Finance and Ethics Committees, USRowing’s independent public accountants, and USRowing’s legal counsel; or (3) to comply with applicable federal or state laws.

### **Anonymous Allegations**

USRowing encourages people reporting alleged violations to put their names on the allegations because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Violations reported anonymously will be explored appropriately, but consideration will be given to: the seriousness of the issue; the credibility of the concern; and the likelihood of confirming the allegation from attributable sources.

### **Retaliation**

This Whistleblower Policy is intended to encourage and enable directors, standing committee members and employees to raise serious concerns within the organization regarding business and financial conduct and transactions for investigation and appropriate action. With this goal in mind, USRowing expressly prohibits any form of retaliation, including harassment, intimidation, adverse employment actions or any other form of retaliation against a director, standing committee member or employee who, in good faith, reports violations of law, cooperates in the inquiries or investigations or identifies potential violations of USRowing Policies. A director, standing committee member or employee who engages in retaliation is subject to discipline up to and including dismissal from the volunteer position, termination of employment or being banned from membership in USRowing.

### **Acting in Good Faith**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the matter raised is a serious violation of the law or policy or a material accounting or auditing matter. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, with gross negligence, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline up to and including dismissal from the volunteer position, termination of employment or being banned from membership in USRowing. Depending on the circumstances, such conduct may also give rise to other actions, including civil or criminal lawsuits.

### **Report and Investigation of Concerns or Complaints**

Concerns should be reported in writing to the CEO of USRowing. If the person reporting the concern is not comfortable reporting to the CEO or if he/she does not believe that the issue is being properly addressed, the person may report the concern to the President of the USRowing Board of Directors or Chair of the USRowing's Ethics Committee. The contact information for these people can be found at USRowing's website ([www.usrowing.org](http://www.usrowing.org)) or by calling 1-800-314-4769.

Employees of USRowing should first report concerns to the employee's supervisor. If the employee is uncomfortable reporting to his/her supervisor or he/she does not feel that the issue is being properly addressed, the person may report the concern to the Chief Executive Officer ("CEO") of USRowing.

Reports should contain as much specific information as possible, including information concerning who was involved, what occurred, where and when the incident(s) in question took place. The reports should establish by a preponderance of the evidence that a violation of law or USRowing's Code of Conduct has occurred. Where possible, the person receiving the report shall acknowledge receipt of the report to the person who submitted the report within five (5) days of receiving the report. The person who submitted the report should also be kept apprised of the status of the investigation.

The person receiving the report has the responsibility to ensure that the report will be promptly investigated with due care and appropriate corrective action will be taken if warranted by the investigation. In the event that the complaint involves a violation of applicable law, the complaint will be referred to the proper authorities.

USRowing's Finance Committee shall address all reported concerns regarding USRowing's accounting practices, internal controls or auditing. The Chair of the Finance Committee shall immediately be notified of any report involving accounting practices, internal controls or auditing, and the person who received the report shall work with the Finance Committee until the matter is resolved.

Upon conclusion of the investigation, the person responsible for the investigation will prepare and submit a written report to USRowing's Ethics Committee. The Ethics Committee will report to USRowing's Board of Directors on all concerns received, the nature of these concerns and the resolution of these concerns. All documentation involved in a complaint, investigation and corrective action shall be retained in accordance with USRowing's Document Retention Policy.

### **Illustrative Types of Concerns**

The following is a non-exhaustive list of the kinds of improprieties that should be reported:

- Supplying false or misleading information on USRowing's financial or other public documents, including its Form 990
- Providing false information to or withholding material information from USRowing's board or auditors
- Destroying, altering, mutilating, concealing, covering up, falsifying, or making a false entry in any records that may be connected to an official proceeding, in violation of federal or state law or regulations
- Altering, destroying, or concealing a document, or attempting to do so, with the intent to impair the document's availability for use in an official proceeding or otherwise obstructing, influencing, or impeding any official proceeding, in violation of federal or state law or regulations
- Embezzling, self-dealing, private inurement (i.e., USRowing earnings inuring to the benefit of a director, officer, or senior management) and private benefit (i.e., USRowing assets being used by anyone in the organization for personal gain or benefit)
- Paying for services or goods that are not rendered or delivered
- Facilitating or concealing any of the above or similar actions

### **Communication of This Policy**

A copy of this policy shall be made a part of USRowing's Employee Handbook and Directors Handbook. It will also be made available on USRowing website via the CEO Policy Manual.

## **ARTICLE III - REGATTAS**

### **NATIONAL SELECTION EVENT DUE PROCESS CHECKLIST**

If an issue arises during a selection regatta event for an athlete or boat of athletes the following process shall be used to hear their concern, protest or petition:

1. If the protest is made on the water, the race referee will make a decision and communicate that decision to the athlete(s).
2. If the affected athlete(s) do not accept the referee's decision, a protest must be lodged on water with appropriate written protest to be submitted in accordance with the Rules of Rowing to the Chief Referee who will convene a jury.
3. The jury will hear the objection and render an opinion.
4. If a protest has not been lodged on the water, the athlete must address his/her objection to the Chief Referee who will render a decision.
5. If the athlete(s) affected do not accept the result of a jury heard under #3 or the decision of the Chief Referee rendered under #4, then a petition for an administrative hearing shall be filed within one hour of the cause of such a petition. This petition must be submitted to the USRowing High Performance Director who will act only as the administrator of the petition process and will not participate in the administrative hearing as a panel member.
6. Petitions received under item #5 above shall be heard by an administrative hearing panel comprised of three people, including at least one person meeting the definition of "athlete" under the USOC bylaws, and two other individuals not directly involved in the regatta administration or officiating. This hearing shall be expedited to occur before the next round of racing.
7. The hearing may be held telephonically, this decision is at the discretion of the administrator and based on availability of panel to attend in person. The hearing will include the petitioner and witnesses unless the petitioner waives this right, in which case the hearing will be conducted with written briefs only.
8. The burden of proof shall be on the petitioner, which burden shall be at least a "preponderance of the evidence".
9. An expedited written decision, based solely on the evidence of record, will be issued within four hours of the hearing. A reasoned decision may be issued in a timely fashion.
10. The appeal procedure, if the decision is adverse to the petitioner, shall be through the USRowing Grievance Procedures outlined under article IV of this policy manual, or if relate the USOC grievance process under section 9 or section 10 of the USOC bylaws.

## **ARTICLE IV MISCONDUCT AND GRIEVANCE PROCEDURES**

11. **Purpose and Scope.** These Grievance Procedures shall be used for the swift and equitable resolution of grievances brought by those who believe themselves aggrieved by (1) an action of the Association, (2) an action of an organizational or individual member of the Association, where such action is alleged to violate the aggrieved's rights under the USRowing Bylaws, or applicable law governing amateur sport, or is otherwise inconsistent with the best interests of the sport of rowing. The Association may also use these procedures in issues related to a member's conduct as outlined under Article I. These procedures shall not apply to disputes arising out of the terms or conditions of employment or agency relationship between an individual and the Association.
12. **Retaliation, Impeding an Investigation and Acting in Good Faith**
  - (A) To encourage open communication throughout the grievance process, the Association expressly prohibits any form of retaliation, including harassment, intimidation or any other form of retaliation against a person or organizational member who files a complaint or cooperates in the inquiries or investigations. A member of USRowing or employee who engages in retaliation is subject to discipline up to and including dismissal from the volunteer position, termination of employment or being banned from membership in USRowing.
  - (B) A person who engages in altering, destroying, or concealing a document or record, or attempting to do so, with the intent to impair the document's availability for use in the investigation of a complaint, official proceeding or otherwise obstructing, influencing, or impeding the proceeding is subject to discipline up to and including dismissal from a volunteer position, termination of employment or being banned from membership in USRowing.
  - (C) Anyone filing a complaint must act in good faith and have reasonable grounds for believing they have been aggrieved by an action of the Association or of an individual or organizational member of the Association. The act of filing a complaint that proves to be unsubstantiated, and that proves to have been made maliciously, recklessly, with gross negligence, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline up to and including dismissal from a volunteer position, termination of employment or being banned from membership in USRowing.
13. **Filing a Complaint.** The Association, or any individual or organizational member of the Association (the "Complainant"), believing himself/herself/itself to be aggrieved by any action of the Association or another member of the Association, may file a complaint with the Association within 30 days of the incident (the "Complaint"). If the complaint involves conduct at a regatta which may be the subject of the protest procedures described in Rule 2-608 (f) of the Rules of Rowing, then those protest procedures must be exhausted prior to the filing of a

Complaint. Failure to exhaust those protest procedures precludes resort to this 463 Grievance Procedure.

14. **Form of Complaint.** To be considered for resolution through the Association's grievance procedure the Complaint must: (1) be submitted in writing to the Chief Executive Officer of the Association, (2) be signed by the Complainant, and (3) include a concise statement of the conduct complained of, the individual or organization responsible for the conduct complained of and the relief sought.
15. **Processing the Complaint.** Upon receipt of a Complaint, the Chief Executive Officer shall promptly:
  - (A) Appoint one member or employee of the Association to investigate the Complaint (the "Investigator"). The investigator may not be an individual who is: (1) directly involved in the conduct which is the subject of the Complaint, (2) responsible for the enforcement or promulgation of the specific rule or policy at issue in the Complaint, or (3) a member of an organization (other than the Association) that is the subject of the Complaint.
  - (B) Send to 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 30 days from the date of the notice) by which the investigation will be concluded, and (3) a copy of these grievance procedures.
  - (C) Send to any individual or 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 Association. The notice shall include: (1) an invitation to respond in writing to the Complaint, (2) the name of the Investigator, (3) the date by which the investigation will be completed, and (4) a copy of these grievance procedures.
16. **Investigation of the Complaint.** The investigation of the Complaint shall include a collection of all relevant documents and interviews (or attempted interviews) with the Complainant, the Adverse Party and other persons having information related directly to the subject matter of the Complaint.
17. **Mediation of the Complaint.** Within five days of the end of the investigation, the Investigator shall prepare for the Chief Executive Officer of the Association a written summary of the investigation and a recommendation as to appropriate disposition of the Complaint. Without being limited by that recommendation, the Chief Executive Officer 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 Chief Executive Officer in a form which includes the written acknowledgment and agreement of the Parties to that resolution.

18. **Grievance Panel.** The Grievance Panel shall consist of up to twelve people, but not less than eight people, appointed by the President of the Association in March of each even numbered year for a term of two years and until their successors are appointed and qualify. Members of the Grievance Panel shall not be employees or directors of the Association. The Grievance Panel shall include at least twenty percent "athlete members" as that term is defined by the USOC through the AAC bylaws. The Association shall provide counsel to the Grievance Panel, who shall assist the Panel in the administration of this grievance procedure, including the creation of a standard set of procedures for the conduct of the grievance hearing.
19. **Hearing Panel.** If the Chief Executive Officer 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 Chief Executive Officer will request that the Chair of the Grievance Panel appoint three members of that Panel to serve as the group which will hear the grievance (the "Hearing Panel"). The Chair of the Grievance Panel may appoint himself/herself to the Hearing Panel. The appointment of the three-member Hearing Panel will include the designation of a Chair of the Panel. Whenever possible, an athlete member of the Grievance Panel will be included on the Hearing Panel. In matters related to the national team, an athlete member will be required to be included on the Hearing Panel. The Chair of the Grievance Panel is responsible for confirming the availability of each appointee to serve on the Hearing Panel.
20. **Conduct of the Hearing.** The Chair of the Hearing Panel shall select the time and place for the grievance hearing in order to conduct the hearing at the earliest convenient date. The Chair of the Hearing Panel will communicate that information, along with the identity of the other two members of the Hearing Panel, to the Parties and the Chief Executive Officer. Prior to the hearing the Chief Executive Officer 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 factual summary. The Hearing Panel will not receive (and neither Party may introduce as evidence) the Investigator's recommendation or any resolution of the dispute proposed by the Chief Executive Officer or any of the parties during mediation.
21. **Hearing Procedures.** Not less than 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 an 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 stenographically recorded with a transcript made available to each Party at its expense.
22. **Decisions of the Panel.** All procedural and evidentiary decisions shall be made by the Chair of the Hearing Panel. Decisions about the merits of the complaint and 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 within ten (10) days of the conclusion of the hearing. The decision shall be sent to the Parties and the Executive Director. 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 14 below.

23. **Incurred Costs.** All direct costs and disbursements, including travel and lodging expenses for the Hearing Panel and Parties, photocopying and court reporter charges, but not including attorney's fees or the costs associated with witnesses called by either party, associated with participation in any step of the grievance procedure outlined in this Article of the Bylaws shall be borne by the losing party unless otherwise agreed to by both parties or ordered by the Hearing Panel in its decision or by the Board of Directors on appeal.
24. **Penalties.** The Hearing Panel may impose any of the following penalties upon an individual or organizational member of the Association:
  - A. **Reprimand:** A communication, either public or private, of the Association's disapproval of the subject's actions. A reprimand may be combined with probation or suspension.
  - B. **Probation:** A ruling that, for a specified time, the subject's continued participation at regattas or other USRowing activities 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 be given to appropriate authorities, such as regatta directors.
  - C. **Suspension:** A ruling that, for a specified time, the subject is forbidden from participating in or sponsoring registered regattas or other USRowing activities. The Hearing Grievance Panel may limit the effect of suspension to certain activities or regattas, and may establish conditions which, if satisfied, will result in lifting of the suspension.
  - D. **Removal from Membership:** A ruling that the subject is removed either for a specified period or permanently from membership in the Association.
  - E. **Other:** The Hearing Panel may order such other relief as it deems appropriate (e.g. letter of apology or restitution including payment for damaging equipment), but may not impose monetary fines as part of its penalty.
25. **Appeal.** (A) Subject to subsection (B) below, appeal from a decision of the Hearing Panel may be taken by any Party, including the Association, to the Board of Directors by written notice filed with the Chief Executive Officer through the Association's Headquarters, within ten (10) days of receipt of the decision of the Hearing Panel. The notice of appeal must be set forth the basis for the appeal. The Chief Executive Officer will forward copies of the notice of appeal to the other Parties, all of whom shall have the right of cross-appeal to the Board within ten (10) days of receipt of the notice of appeal. The Board shall, by majority vote of all non-abstaining members, render a written decision with respect to the

appeal within thirty (30) days of receipt of notice and responses. A decision of the Board with respect to an appeal shall be final and binding on all parties.

(B) If the grievance complains of or affects an action taken by the Board of Directors, then any report of a Hearing Panel that recommends a remedy that is inconsistent with that action shall be referred in the form of a recommendation to the full Board of Directors. Any motion to rescind an action, where such rescission is consistent with the report of the Hearing Panel, shall require only a majority vote of the Board to be approved.

26. **Expedited Procedure.** If the Complaint challenges a rule or decision affecting eligibility of an individual member of the Association to participate in an international event or an event registered or conducted by the Association, the Complainant may, as part of his or her written Complaint, request that the Complaint be referred immediately to a Hearing Panel without prior investigation or mediation by the Executive Director. In response to such a request, the Chief Executive Officer shall:

- A. Send to the Complainant a notice acknowledging receipt of the Complaint.
- B. Send to any Adverse Party a notice of the filing of the Complaint. No notice need be sent when the Adverse Party is the Association. The notice shall include a copy of the Complaint.
- C. Request the Chair of the Grievance Panel to appoint a Hearing Panel.

27. **General.** All notices, reports and decisions under the Grievance Procedures contained in this Article shall be made in writing and delivered in person by registered or certified mail, or other form of delivery creating a record of receipt. Any time period under this Article may be reduced by the Chief Executive Officer or the Chair of the Hearing Panel if it is determine that such action is necessary to expedite the resolution of a controversy in order to do justice to any Party. Participation in grievance procedure shall be deemed to constitute agreement to be bound by the provisions of this Article and decisions rendered in accordance therewith.

28. **Binding Arbitration.** Pursuant to and consistent with the Ted Stevens Amateur and Olympic Sports Act, 36 U.S.C. § 220501 et seq., and the Bylaws of the United States Olympic Committee, USRowing shall submit to binding arbitration (1) If any person (or organization) files a complaint with the United States Olympic Committee (USOC) against the Association regarding the Association's compliance with the membership requirements imposed by the United States Olympic Committee upon its member organizations, (2) If an amateur sports organization seeks to replace the Association as the United States Olympic Committee member organization for the sport of rowing by filing an application with the United States Olympic Committee, or (3) if any amateur athlete alleges that the Association has denied or threatened to deny him/her the right to compete in the Olympic Games, the Pan American Games, or other protected competition

as defined by the USOC, or, subsequent to such competition, has censured or otherwise penalized him/her or any organization that he/she represents.

**Arbitration Procedures:** The procedures used in binding arbitration shall be the commercial arbitration rules of the American Arbitration Association, or such successor provisions as may be promulgated by the American Arbitration Association, a legislative body of competent jurisdiction, the United States Olympic Committee, or other adjudicatory body, that are intended to apply to disputes arising under the Ted Stevens Amateur and Olympic Sports Act, 36 U.S.C. § 220501 et seq.

## **ARTICLE V.**

### **ELECTIONS: PROCEDURES FOR CONDUCTING**

1. Staff shall, under the direction of the Secretary of USRowing, amass the data record outlined under the USRowing bylaws to encompass the eligible voting pool to be used for the distribution of election materials.
2. The election process may utilize current technologies available at the time, and approved by the Secretary and the Board of Directors, including but not limited to electronic voting, email and web site distribution.
3. USRowing shall utilize best-practice election protocols to protect the integrity and security of the election, including, but not limited to:
  - a. Each organizational and individual member of the Association shall have a valid email address on file in advance of the date of record for the election in order to vote;
  - b. USRowing staff shall post or send a minimum of two reminders to organizational and individual members eligible to vote in the 45 days leading up to the date of record in order to solicit updates to the member's valid email address with USRowing membership department;
  - c. Once the date of record has been reached, there shall be no changes to the member records, related to the election process, including the email address of the member or organization. This email address shall serve as the official conduit for ballots to be distributed;
  - d. Staff shall, under the direction of the Secretary of USRowing, select and retain an independent agent to administer all aspects of the USRowing elections and to act as third party manager;
  - e. The agent shall generate and deliver random passwords for each voter by email to the email address on file with USRowing as of the date of record;
  - f. The teller shall provide an email receipt for each ballot cast to the member's email address on file with USRowing.
4. Staff shall, under the direction of the Secretary of USRowing, publish the results of the election as provided by the independent agent through currently acceptable public mechanisms such website, email and publications.
5. Any complaints or allegations of malfeasance regarding the election processes shall be handled under Article III of this policy manual, Misconduct and Grievance Procedures.