



## USRowing SafeSport Complaint Investigation and Hearing Process

*May 2019*

*USRowing reserves the right to investigate any SafeSport, or other complaints, involving USRowing board members, employees, coaches, officials, or athlete members and any organizational members of USRowing. Such investigation shall be based on a jurisdictional determination of the U.S. Center for SafeSport and the SafeSport policies of an affected organizational member. SafeSport complaints shall be submitted to the **USRowing SafeSport Compliance Officer** for processing. The following procedures have been developed to handle such complaints. (The process is diagramed in Appendix A)*

1. **Filing a Complaint.** Under USRowing's SafeSport policies, complaints concerning the behavior of any member of the USRowing community including, but not limited to, athletes, coaches, employees, volunteers and officials, shall be reported to the **USRowing SafeSport Compliance Officer**. Complaints arising within an organizational member may be presented to USRowing only after such complaint has been processed following the organizational member's internal SafeSport policy and all remedies have been exhausted.
2. **Form of Complaint.** The SafeSport Incident Reporting Form should be used for filing a complaint. Complaints also may be filed by phone using the USRowing SafeSport hotline (609-751-0710), the USRowing SafeSport e-mail address ([safesport@usrowing.org](mailto:safesport@usrowing.org)) or by contacting the USRowing SafeSport Compliance Officer, John Wik, at 302-383-9923 or [jwik@usrowing.org](mailto:jwik@usrowing.org). Complaints are generally maintained as confidential except as needed for investigation and processing.
3. **Processing the Complaint.** Upon receipt of a complaint, the USRowing SafeSport Compliance Officer will determine if the complaint should be processed by USRowing, remanded back to a USRowing organizational member, or in the case of sexual misconduct or aggravated assault, submitted to the U.S. Center for SafeSport and local and/or state authorities, as required.

Complaints heard by USRowing will generally be of a lesser nature. They will not include sexual misconduct issues, issues involving a felony, or issues to be prosecuted under local or state laws. Such issues will be referred to the U.S. Center for SafeSport and/or the appropriate government agency. USRowing does not investigate suspicions or allegations of physical or sexual abuse, or attempt to evaluate the credibility or validity of such allegations. If it is determined that the complaint falls under USRowing's jurisdiction, the USRowing SafeSport Compliance Officer shall promptly:

- a) Send to the complainant a notice acknowledging receipt of the complaint. Such notice shall include: (1) the date by which the investigation will be concluded (not more than 60 days from the date the notice is received by USRowing), and (2) a copy of these

procedures. All notices and reports must be delivered by registered or certified mail, or other form of delivery creating a record of receipt (e-mail). Additional copies of notices and reports may be sent by e-mail.

- b) Send to the individual whose conduct is the subject of the complaint (the "respondent") a notice of the filing of the complaint and a copy of the complaint. The notice shall include: (1) an invitation to respond in writing to the complaint, (2) the date by which the investigation will be completed, and (3) a copy of these procedures. All notices and reports must be delivered by registered or certified mail, or other form of delivery creating a record of receipt (e-mail). Additional copies of notices and reports may be sent by e-mail.
4. **Investigating the Complaint.** If USRowing retains jurisdiction, the complaint will be investigated by the USRowing SafeSport Compliance Officer, unless that Compliance Officer has a conflict of interest with respect to that complaint. In the event of such a conflict of interest, a disinterested investigator will be appointed by either (a) USRowing's Chief Executive Officer or (b) if the Chief Executive Officer has a conflict of interest with respect to the complaint, by the disinterested members of the Board of Directors. Investigation of the complaint shall include a review of all relevant documents and interviews (or attempted interviews) with the complainant, respondent, and other persons having information related directly to the complaint. Prior to beginning the investigation, the compliance officer will notify (by e-mail or phone) the complainant, Respondent, and any witnesses or involved parties listed in the complaint about the investigation, the name of the Investigator (if other than the compliance officer), and a brief background on the investigator. (Appendix B)
  5. **Report of the Investigator.** The investigator will prepare a written report, including any recommended penalties or proposed resolutions to the complaint.
  6. **Mediation.** Mediation may be used if the complaint indicates that the issue involves a misunderstanding between the parties. Mediation will not be used if the complaint involves misconduct resulting from an imbalance of power. Within five business days of completion of the investigative report, the compliance officer may contact both the complainant and respondent to attempt to mediate the complaint. If mediation is successful, the agreed upon resolution will be recorded by the compliance officer in a form which includes the written acknowledgment of the parties to the resolution. If mediation is not successful, or either the complainant or respondent decline mediation, the complaint will be referred to the USRowing Sub-Committee for Ethics and Performance.
  7. **Administrative Structure of the USRowing Sub-Committee for Ethics and Performance.** The Sub-Committee for Ethics and Performance ("sub-committee") shall consist of up to nine (9) people appointed jointly by the compliance officer and chief executive officer. The compliance officer shall appoint one member of the sub-committee as the chair. Members of the sub-committee shall not be employees or directors of USRowing. The sub-committee shall include at least two "athlete members" as that term is defined by the USRowing Bylaws. The compliance officer will advise and, if required, arrange counsel for the sub-committee and assist the sub-committee in the administration of the hearing process.
  8. **Hearing Process.** Upon receipt of a complaint, the chair of the sub-committee shall appoint three members from the sub-committee to serve as the "hearing panel." The hearing panel will be designated to hear and make recommendations on a specific complaint. The chair of the sub-committee may appoint himself/herself to the hearing panel. An athlete member will be included

on the hearing panel. The chair of the sub-committee is responsible for confirming the availability of each appointee to serve on the hearing panel. Working with the compliance officer, the hearing panel shall be responsible for the following steps in the hearing process:

- a) Set the time and date of the hearing
- b) Notify the complainant and respondent of the hearing
- c) Review the complaint and investigator's report
- d) Convene the hearing
- e) Hear testimony from the complainant, respondent, their counsel or representatives, witnesses, the investigator, or others as deemed appropriate by the panel members
- f) Discuss the complaint
- g) Determine appropriate sanctions, if required
- h) Notify USRowing, the complainant and respondent of the panel decision

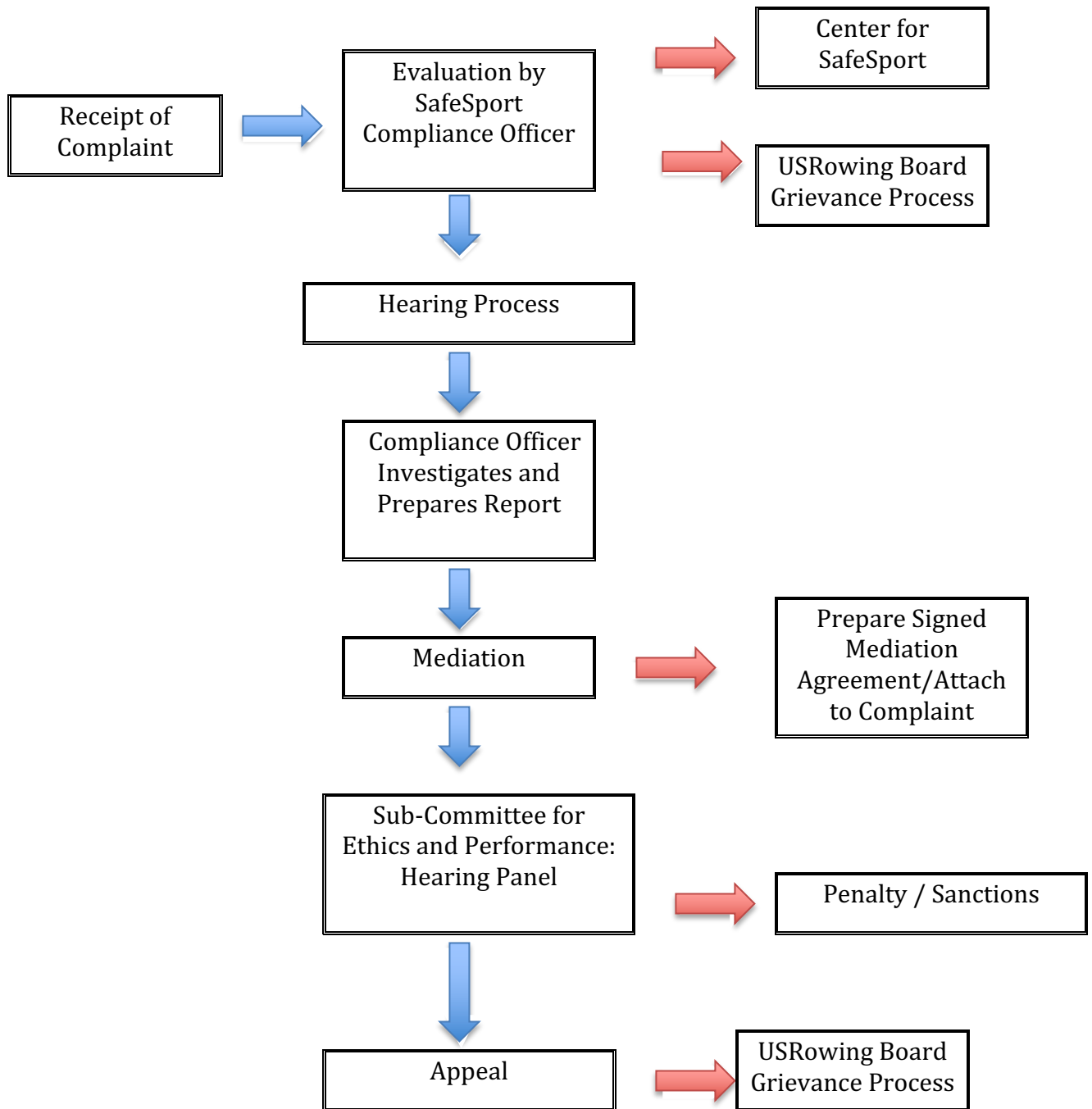
9. **Conduct of the Hearing.** The chair of the hearing panel, in consultation with the USRowing compliance officer, shall select the time and place for the hearing. Hearings generally will be conducted by telephone. The hearing will be scheduled at the earliest convenient date. The chair of the hearing panel will communicate the scheduled date/time, along with the identity of the other two members of the hearing panel, to the complainant, respondent, and investigator through the compliance officer (Appendix C). Prior to the hearing the compliance officer will provide to the members of the hearing panel copies of the complaint, any written response previously submitted by the respondent, documents collected by the investigator and the investigator's report.
10. **Hearing Procedures.** Not less than 15 days prior to the hearing, the compliance officer shall cause to be sent to the members of the panel, complainant, and respondent 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, present oral or written evidence, cross-examine witnesses and present such factual evidence as desired. (Appendix D)
11. **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 in writing to the complainant, respondent, and the compliance officer within ten (10) days of the conclusion of the hearing. The decision of the hearing panel shall include recommended penalties to be imposed, as appropriate, by the compliance officer, USRowing CEO, and/or the USRowing Board of Directors.
12. **Penalties.** The hearing panel may recommend any of the following penalties upon an individual or organizational member of USRowing:
  - a) Reprimand: A communication, either public or private, of USRowing'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 of Referee License: If applicable, a recommendation that the subject's USRowing Referee License is suspended for a specified period of time.

- d) Suspension: A ruling that, for a specified time, the USRowing member or organizational member is forbidden from participating in, or sponsoring, registered regattas or other USRowing activities. The hearing 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.
- e) Removal of Referee License: If applicable, a recommendation that the subject's USRowing Referee License is permanently removed.
- f) Removal from Membership: A recommendation that the subject is permanently removed from membership in USRowing.
- g) 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.

13. **Appeal.** An appeal from a decision of the hearing panel may be taken by any of the parties involved with the decision. The appeal should follow the grievance process as outlined in the USRowing CEO Policy Manual. The appeal must be filed with USRowing, within ten (10) days of receipt of the decision of the hearing panel. The notice of appeal must include the basis for the appeal. The appeal will be processed under the USRowing Grievance Process.

14. **General.** All notices, reports and decisions under the procedures contained herein shall be made in writing and delivered by registered or certified mail, or other form of delivery creating a record of receipt. Additional copies of notices and reports may be sent by e-mail. Any time period under these procedures may be reduced by the USRowing SafeSport Compliance Officer and the chair of the hearing panel, if it is determined that such action is necessary to expedite the resolution of a controversy in order to do justice to any party. Participation in these investigation and hearing procedures shall be deemed to constitute agreement to be bound by the provisions of these procedures and any decisions, recommendations, or sanctions rendered in accordance therewith.

# APPENDIX A - USRowing SafeSport Complaint, Investigation and Hearing Procedures



## APPENDIX B - USRowing SafeSport Investigation Procedures



### I. Compliance Officer Receives and Reviews Complaint

- Discuss complaint with CEO as appropriate

### II. Contact Complainant

- Review matter, research details including date and time, location, respondent, and witnesses.
- Request additional information, as required.
- Provide the complainant the opportunity to prepare and submit additional written materials.

### III. Contact Respondent

- Review complaint and research details including date and time, location, and witnesses.
- Request additional information, as required.
- Provide the respondent the opportunity to prepare and submit additional written materials.

### VI. Contact Witnesses

- Review complaint and research details including date and time, location, and allegations of the complainant.
- Provide opportunity for additional information.

### V. Prepare Written Report of Findings and Recommendations

- Prepare report of facts and findings.
- Provide the times, dates, and methods of contact for each person included in the investigation. If contact is unsuccessful, indicate the number of attempts and methods used to reach the contact. Include willingness of contact to participate. A minimum of three attempts should be made to reach each contact.
- Provide recommendations for resolution, if any.

### VI. Presentation of Report to Hearing Panel

- The compliance officer forwards report to hearing panel
- Compliance officer is available for hearing.

## APPENDIX C - Example Letter of Hearing Notification



### *Via Federal Express &/or E-mail*

[Date]

Addressee

*E-mail: E-mail Address*

Re: USRowing SafeSport - COMPLAINT AND HEARING NOTIFICATION

Dear:

The USRowing SafeSport Compliance Officer has received the attached complaint concerning actions on (DATE). USRowing recognizes the importance of fully investigating and adjudicating complaints of this nature. As such, USRowing has developed a complete set of investigation and hearing procedures. These procedures include investigation, procedures for mediation, and a hearing panel of the members of the Sub-Committee on Ethics and Performance.

This letter is to notify you of your involvement in the complaint, as well as the procedures that will be used to investigate and adjudicate the complaint.

Attached please find:

- 1) The "complaint" as presented to the USRowing SafeSport Compliance Officer
- 2) The "USRowing Sub-Committee for Ethics and Performance - Complaint Investigation and Hearing Process"
- 3) The "USRowing SafeSport- Investigation Procedures"
- 4) The "USRowing Sub-Committee for Ethics and Performance Hearing Procedures"

As noted in these documents, you will be contacted by the USRowing SafeSport Compliance Officer to discuss the complaint. Please be prepared to provide any information you deem important. The compliance officer may be contacting other individuals. While every attempt will be made to quickly work through this issue, please understand that the investigator may take five to 10 working days before contacting you.

After investigation, the complaint Investigation and hearing process allows for mediation. You will be contacted to discuss this option.

If a hearing is required, the complaint investigation and hearing process provides you the opportunity to be represented by counsel and to present oral or written testimony directly to the hearing panel. The time and date of the hearing will be provided to you.

Please respond to this letter in writing within 10 (ten) days. No particular form is required, but at a minimum, your written response must:

- Confirm your receipt of this notice
- Include your relevant current contact information (preferred physical address, phone number, and e-mail address) including whether you prefer future correspondence regarding this matter to be sent via regular mail or e-mail.
- In your response, you also have the option of including any additional written materials you want the investigator to consider.

Please send and e-mail your response marked confidential to:

USRowing SafeSport Compliance Officer (CONFIDENTIAL)  
USRowing  
2 Wall Street  
Princeton, NJ 08540

E-mail responses may be sent to [jwik@usrowing.org](mailto:jwik@usrowing.org).

Thank you for your time and cooperation during this process. Should you have any questions, please contact me.

Best regards,

John Wik  
USRowing SafeSport Compliance Officer



**APPENDIX D - USRowing Sub-Committee for Ethics and Performance Hearing  
Panel: Outline of Hearing Procedures**



- I. Introductions
- II. Confirm that all parties are aware that the hearing is being recorded
- III. Confirm whether each party has anyone else on the line with him/her and whether or not they anticipate having anyone else join the call.
- IV. Introduce the matter
  - a. Hearing of the USRowing Sub-Committee on Ethics and Performance, Hearing Panel to hear issue of <Complainant v. Respondent> dated \_\_\_\_\_. This complaint was investigated by <investigator>. Copies of this report have been forwarded to the complainant and respondent, along with other pertinent information.
  - b. The complainant and respondent, or their respective counsel, will be given the opportunity to present written or oral testimony. They also will be provided the opportunity to cross-examine the opposing party or witnesses.
  - c. Following the presentation of all testimony and cross-examination, the hearing panel will excuse the complainant, respondent, counsel, witnesses, and other attendees and deliberate the matter.
  - d. If appropriate the hearing panel may recommend penalties following the penalties section of the complaint investigation and hearing process document.
  - e. A report will be provided to both the complainant and respondent.
- V. Testimony:
  - a. Complainant
    - i. Testimony
    - ii. Questions/comments from respondent
    - iii. Questioning by hearing panel and hearing panel counsel
  - b. Respondent
    - i. Testimony
    - ii. Questions/comments from complainant
    - iii. Questioning by hearing panel and hearing panel counsel

VI. Final question from panel to complainant and respondent:

*“Do you feel you have been adequately heard and been provided fair process on this issue?”*

VII. Hearing panel deliberations and recommendations:

All parties except the hearing panel members, investigator, and SafeSport Compliance Officer are excused during the hearing panel deliberation and recommendation process.