



## Whitman Crew Formal Grievance Process (March 2019)

Adapted from:

USRowing SafeSport Complaint Investigation and Hearing Process (January 2018)

Whitman Crew Boosters, Inc. (WCB) reserves the right to investigate any SafeSport, or other complaints, involving WCB board members, employees, coaches, officials, or athlete members and any organizational members of WCB. Complaints shall be submitted to the President for processing. The following procedures have been developed to handle such complaints. (The process is based on the USRowing SafeSport Complaint Investigation and Hearing Process)

**1. Filing a Complaint.** Complaints concerning the behavior of any member of the WCB community including, but not limited to, athletes, coaches, employees, volunteers and officials, shall be reported to the President. If the Complaint is against the President, the complaint shall be reported to the Executive Vice-President.

**2. Form of Complaint.** The SafeSport Incident Reporting Form should be used for filing a complaint. Complaints are generally maintained as confidential except as needed for investigation and processing.

**3. Processing the Complaint.** Upon receipt of a complaint, the President/Executive Vice-President or their designee will determine if the complaint should be processed by WCB, USRowing, 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 WCB will generally be of a lesser nature. WCB 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 WCB's jurisdiction, the President/Executive Vice-President or their designee shall promptly:

1. Send to the complainant a notice acknowledging receipt of the complaint. Such notice shall include:
  - a. the date by which the investigation will be concluded (not more than 60 days from the date the notice is received by WCB, unless extenuating circumstances exist, as determined by WCB, and

- b. 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 such as e-mail. Additional copies of notices and reports may be sent by e-mail.
2. 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:
  - a. an invitation to respond in writing to the complaint,
  - b. the date by which the investigation will be completed, and
  - c. a copy of the Walt Whitman Crew Complaint Investigation and Hearing Process. 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.** The WCB President/Executive Vice-President or their designee will designate an Investigator. The 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 President/Executive Vice President or their designee 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, and a brief background on the investigator.

**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 President/Executive Vice-President or their designee 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 President/Executive Vice-President or their designee 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 President/Executive Vice-President or their designee to move to a hearing process.

**8. Hearing Process.** Upon receipt of a complaint, the President/Executive Vice-President or their designee shall appoint three members of the Board to serve as the "hearing panel." The hearing panel will be designated to hear and make recommendations on a specific complaint. The President/Executive Vice-President may not serve on the hearing panel. The President/Executive Vice-President or their designee is responsible for confirming the availability of each appointee to serve on the hearing panel. Working

with the President/Executive Vice-President or their designee, 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, witnesses, the investigator, or others as deemed appropriate by the panel members
- f) Discuss the complaint
- g) Determine appropriate sanctions, if required
- h) Notify WCB, the complainant and respondent of the panel decision

**9. Conduct of the Hearing.** The chair of the hearing panel, in consultation with the President/Executive Vice-President or their designee, 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 President/Executive Vice-President or their designee. Prior to the hearing the President/Executive Vice-President 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 President/Executive Vice President or their designee 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.

**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 President, and/or the WCB Board of Directors.

**12. Penalties.** The hearing panel may recommend any of the following penalties upon an individual or organizational member of WCB:

- a) Reprimand: A communication, either public or private, of WCB'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 WCB 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 WCB member or organizational member is forbidden from participating in, or sponsoring, registered regattas or other WCB 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.
- d) Removal from Membership: A recommendation that the subject is permanently removed from membership in WCB.
- 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.

**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 must be filed with WCB within ten (10) days of receipt of the decision of the hearing panel. The notice of appeal must include the basis for the appeal. On appeal, the WCB Board of Directors will address the merits of the decision de novo, and not the process that was utilized. A decision rendered by the WCB Board of Directors shall be final and binding on all parties.

**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 (including email). Additional copies of notices and reports may be sent by e-mail. Any time period under these procedures may be reduced by the WCB President/Executive Vice-President 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.