



## **Race Official Reports and Complaints Policy**

*(Adopted by the US Sailing Board of Directors July 26, 2021)*

*This policy establishes how reports or complaints about race officials will be received, recorded and addressed by US Sailing. The certifying committees referenced in this document are Classifiers, Judges, Measurers and Equipment Inspectors, Race Management and Umpires.*

### **1. A report or complaint is made known to US Sailing**

A report of an incident or pattern of actions is received from a competitor, other official, organizing authority, class association, area official, US Sailing Board member or staff member, the US Center for SafeSport or another source.

### **2. A report or complaint may concern:**

- A. Performance – a report of sub-standard performance of race official duties
- B. Misconduct – an allegation of conduct that is inappropriate, unlawful, unethical or injurious to other individuals or to the reputation and welfare of US Sailing or the sport of sailing

### **3. Reporting process**

#### A. Guidelines for reporting

- 1. Serious misconduct or performance issues that should be reported directly to US Sailing:
  - a. Criminal activity
  - b. Sexual misconduct
  - c. Conduct that suggests a lack of integrity
  - d. Practice that may endanger or disadvantage competitors
  - e. Significant errors in process; unresponsiveness to correction
  - f. Issues that may damage the reputation of US Sailing, the sport, the event, or other certified race officials
- 2. Reporting less severe concerns:
  - a. Report to the team leader at the event: Principal Race Officer, Chief Judge, Chief Umpire, Chief Classifier or Chief Measurer. Team leaders are expected to correct situations that do not merit a formal complaint.
  - b. Report to the Area Race Officer (ARO), Regional Administrative Judge (RAJ) or committee member, who will handle the report via the appropriate channel.
  - c. Report to the Race Administration Director (RAD), who will handle the report via the appropriate channel.

## B. Process for reporting

1. Report format:
    - a. Verbal reports are initially acceptable before the complaint proceeds to the hearing stage.
    - b. A written report, identifying the person making the complaint, is required before the matter proceeds further.
    - c. Written reports shall be submitted via the "[Report or Complaint About a Race Official](https://form.jotform.com/210625441248046)" form (https://form.jotform.com/210625441248046).
    - d. The report form is secured and accessible only to the Race Administration Director and the Staff Counsel.
  2. Anonymous reports are discouraged but will be accepted at the initial investigation stage. A formal report, identifying the person making the complaint, is required before the matter proceeds further.
  3. Are there witnesses? If so, identify and provide contact information.
  4. Is there additional corroborating information? Describe and indicate the source.
  5. Submit any relevant documents.
- C. The report or complaint is received, acknowledged and logged by the Race Administration Director in a secure location and shared only with the Staff Counsel.
- D. Is there an obligation to report to another authority?
1. Law enforcement (alleged crime)
  2. SafeSport (alleged incident of sexual nature, abuse, bullying, other covered misconduct)

## 4. Initial report validation

The Race Administration Director and/or Staff Counsel will conduct a confidential initial investigation to determine whether the report or complaint appears valid and warrants further action by a certifying committee or the Ethics Committee. The chair of the certifying committee or the Ethics Committee may be consulted if appropriate. If such consultation takes place, the identity of the race official will not be disclosed.

When determining whether further action is warranted, the Race Administration Director and Staff Counsel will consider the following questions:

- A. Can the alleged issue be resolved with immediate mentoring by the team leader?
- B. Does the report allege one or more specific incidents or a pattern of actions by an official?
- C. Is the report credible?
  1. Is it more than grumbling or dock talk?
  2. Are there identifiable witnesses to the alleged incident(s)?
  3. Have similar reports arisen from other sources?
- D. Is the person reporting willing to make a report in writing and be identified?
- E. Is the report timely?
- F. Does the matter fall within US Sailing's authority to respond?

1. Is it related to sailing? If not, is it sufficient to cause concern about an official's integrity or ability to perform his or her duties? Would his or her continued certification as an official be injurious to the reputation and welfare of US Sailing or the sport?
  2. Is it covered by *The Racing Rules of Sailing* or US Sailing's SafeSport obligations?
  3. Is it related to the performance of a race official's duties?
- G. Can the incident(s) be reasonably verified by the Race Administration Director and the Staff Counsel?
1. If the report cannot be verified, if no one is willing to go on the record reporting, or if the incident(s) appear not to have happened, update the log and close the process.
  1. If the report is verifiable but does not rise to the level of a formal complaint, it may be referred to the ARO, RAJ or committee chair for mentoring and correction.
  2. If a serious incident or pattern can be verified, the Race Administration Director will refer the report to a committee for further action.

## 5. Referral to a committee

Based on the results of the initial report validation and possible confidential discussion with the chair(s) of the appropriate certifying committee(s), during which the identity of the race officer will not be disclosed, a credible, serious report will be referred to either:

- A. The chair of the certifying committee – for reports of sub-standard performance of race official duties
  1. Examples: inattention to safety, poor course management, refusal to cooperate with PC decisions or OA or class association direction, inattention to or incorrect application of rules, a pattern of poor decisions or calls
  2. Minor lapses in judgement, acknowledged by the official and correctable by coaching
  3. Goal: Correct sub-standard performance; restore the official's practice to the desired level of competence
- B. The chair of the Ethics Committee – for allegations of conduct that is inappropriate, unlawful, unethical or injurious to other individuals or to the reputation and welfare of US Sailing or the sport of sailing
  1. Examples: criminal conduct, sexual misconduct, any SafeSport-covered actions, cheating, favoritism, abuse of the protest process, conduct that calls into question an official's or US Sailing's integrity or fairness
  2. Additionally, refusal to recognize a lapse in judgement; refusal of coaching, coaching ineffective or unlikely to correct the problem
  3. Goal: Determine whether the conduct can be corrected or merits reduction or termination of certification

**6A. Hearing process by the certifying committee** – for reports alleging sub-standard performance of an official's duty:

- A. On being presented with a written report, the certifying committee may review the report and consult with the official. The committee may elect to take no further action or may offer, and a race

official may voluntarily agree to, a Plan of Improvement (POI), conditional reappointment, resignation or retirement. Any POI shall include specific requirements such as those described in item 6A(G)(5) below. Otherwise:

- B. The certifying committee chair shall appoint a three-person panel to review the report(s) and make a recommendation to the full committee.
  1. At least one panel member shall be a current or prior (within 4 years) member of the certifying committee. If current, this member shall abstain from any further committee actions on the complaint. The panel may include the subject's Area Race Officer or Regional Administrative Judge if advisable. The panel should include members of multiple committees if the report crosses disciplines.
  2. No member of the Review Board shall sit on this panel. Further, a member of a certifying committee who also serves on the Review Board shall recuse himself or herself from any committee actions or Review Board actions related to the report.
  3. The committee shall provide written notice of the hearing with adequate time for the official to prepare. The notice shall include the following:
    - a. Name(s) of the person(s) making the report and the race official who is the subject of the report, a copy of the report and any other relevant documents
    - b. The date, time and place of the hearing, which may be conducted by teleconference
    - c. Notice that the official may submit a written response and present supporting witnesses and documentary evidence
    - d. The names of the members of the hearing panel
    - e. Actions that the committee could recommend if the report is found to be justified (see item 6A(G))
    - f. Notice of the right of appeal (see item 8)
- C. The race official may object before the hearing to a panel member of the basis of a conflict of interest or bias, and the committee shall be guided by the procedure described in RRS 63.4, sections (a-c).
- D. The hearing shall proceed as follows:
  1. Review of the report by the panel, which may include presentation by the person making the report
  2. Response by the race official
  3. Opportunity for the race official to question the person presenting the report
  4. Opportunity for the person presenting the report to question the race official
  5. Testimony from witness(es) supporting the report
  6. Testimony from witness(es) supporting the race official
  7. Panel members may ask clarifying questions at any time
  8. Closing statements, if desired, by the person presenting the report and the race official
  9. The panel will close the hearing after informing the official of the date by which they will make a recommendation to the certifying committee, which shall be not more than 15 days after the end of the hearing.

- E. Criteria to be applied to evaluate the official's performance:
  - 1. Published certification requirements
  - 2. Generally accepted best practices as outlined in training materials
  - 3. Evaluation standards found in reference forms
- F. Standard of proof to be applied: the comfortable satisfaction of the committee, bearing in mind the seriousness of the alleged deficiency
- G. The hearing panel shall recommend to the certifying committee one or more of the following:
  - 1. No action
  - 2. Plan of improvement (POI)
  - 3. Continued certification with conditions
  - 4. Probationary recertification for a period less than four years
  - 5. Downgrade, suspension or termination of certification, including refusal to reappoint (immediate or at recertification date)
  - 6. A POI shall specify actions to be taken, such as:
    - a. retake course and test
    - b. mentoring and supervision while acting as a race official
    - c. written review by supervisor
    - d. additional experience
    - e. specific dates by which actions are to be completed and reviewed by the committee
    - f. next steps when requirements are/are not met
    - g. Additionally, every POI shall be recorded on a [Plan of Improvement](https://form.jotform.com/211665730062147) form (<https://form.jotform.com/211665730062147>) and a committee member shall be assigned to monitor and report on the official's progress against the plan.
  - 7. A decision to certify for a period less than four years, or to downgrade, suspend or terminate a certification shall be delivered in writing and include:
    - a. the committee's findings of fact
    - b. the list of sources consulted during its investigation
    - c. the committee's decision on continued certification
    - d. the reasons for the committee's decision, citing to specific standards contained in published certification requirements, accepted best practices as outlined in training materials, and evaluation standards found in reference forms. The decision shall articulate with as much detail as possible why the official's performance makes him/her unfit to serve as a Race Official.
    - e. direction on the official's appeals rights
  - 8. All decisions shall be kept on file with the US Sailing Race Administration Office.
  - 9. All information concerning the complaint and hearing shall remain confidential within US Sailing, to the extent of the law.

**6B. Hearing process by Ethics Committee** – for claims of conduct that is inappropriate, unlawful or injurious to other individuals or to the reputation and welfare of US Sailing:

- A. When reviewing allegations against a race official, the Ethics Committee shall include the Chair of the Race Administration Committee or his/her designee.
- B. The Ethics Committee shall make an individualized determination on any report referred to it by the Race Administration Director, Staff Counsel or a certifying committee to determine whether the reported information is such that continued certification shall be denied.
- C. If called to review an applicant's record for integrity or to make a determination on a report of misconduct, the Ethics Committee shall within 30 days issue a binding decision as to whether the official meets acceptable standards of integrity or conduct to serve as a race official.
- D. During the 30-day investigation period, the Ethics Committee shall review the report and the official's record and may seek additional references and information from the applicant and any other source. The official will be given opportunity to address the substance of the report and, if necessary, correct any errors with respect to the report.
- E. After review, the Ethics Committee shall, no later than 30 days after receiving the complaint, issue a decision that is binding on the relevant certifying committee on whether the official's certification should continue.
  - 1. All decisions of the Ethics Committee shall be in writing and include:
    - a. the committee's findings of fact,
    - b. the list of sources consulted during its investigation,
    - c. the committee's decision on continued certification,
    - d. the reasons for the committee's decision, citing to specific standards contained in Section II of US Sailing's Race Official Personal Attributes Requirements Policy. The decision shall articulate with as much detail as possible why the applicant's record of integrity or misconduct makes him/her unfit to serve as a Race Official.
    - e. direction on applicant's appeals rights.
  - 2. All decisions shall be kept on file with the US Sailing Race Administration Office.
  - 3. All information concerning the complaint and hearing shall remain confidential within US Sailing, to the extent of the law.

**7. Certifying committee or Ethics Committee notifies the race official, other committee(s) involved, and US Sailing staff of its decision**

**8. Right of appeal**

- A. A race official may appeal a certification decision under US Sailing Regulation 15.01(A)(4) – Certification Decisions.
- B. Upon receipt of a properly filed appeal, the US Sailing Review Board shall proceed under Regulation 15.

**9. Recovery process**

Recovery actions may include :

- A. For the official:
  - 1. Plan of Improvement
  - 2. Conditions for recertification
  - 3. Probationary period with structured supervision
- B. For US Sailing:
  - 1. Self-review and possible revision of process and/or standards
  - 2. Structured follow-up with concerned stakeholders to ensure that correction has succeeded
- C. For both, any plan shall specify the recovery actions to be taken, monitoring to ensure compliance, and a time frame in which the recovery actions will be completed

#### **10. Completion of process**

The Race Administration Director shall:

- A. Update the log
- B. Communicate the outcome, as appropriate, to involved parties: the subject of the report, the person(s) making the report(s) and the appropriate committee(s)
- C. Close the matter

*Revised 10/24/2023*