

USA Track & Field Ethics Committee
Investigation Policies and Procedures
Adopted December 3, 2014

Background

USATF Regulation 16(G) sets forth the duties and responsibilities of the Ethics Committee, including the investigation of ethics complaints. In support of this responsibility, the Ethics Committee has developed the Policies and Procedures which are described below. The Policies and Procedures are intended to inform and guide the Ethics Committee as it carries out its duties and responsibilities, and to inform USATF members and the public at large as to how an investigation is to be conducted.

Basic Principles

There are certain principles that govern our investigative processes. First and foremost amongst these is confidentiality. Our notion of confidentiality is neither absolute nor strict. Rather, confidentiality with respect to the identity of individuals or disclosure of documents or evidence exists to a degree that is consistent with the ability to conduct a full and fair investigation. It is important that we convey that to individuals seeking to file a complaint or provide testimonial or evidentiary support in support of or in opposition to a complaint.

A second principle is the difficulty we have in considering anonymous complaints. As a volunteer committee, our time and resources are limited. We are largely dependent upon the complaining party to provide the testimony and evidence to support a complaint.

A third principle is to encourage parties to resolve their own disputes through informal means. This can be a tough balance to achieve or maintain to simultaneously wear an investigative hat and a mediator hat. Nonetheless, the investigator should ask questions like, "what do you want from this process," "how would you like to see this process resolved?" etc.

A fourth principle is timeliness. Except in extraordinary circumstances, a complaint must be filed within two years of the conduct or event alleged to violate the Code of Ethics.

Investigation Policies and Procedures

1. The ethics grievance process shall commence upon receipt of a written Complaint.
 - a. There is no prescribed form for a Complaint but a Complaint must contain sufficient detail to permit the Ethics Committee to determine whether the facts alleged, if true, would constitute a violation under the Code of Ethics. Therefore, the Code of Ethics should be consulted in preparing a Complaint.
 - b. A non-exclusive list of items to be included in a Complaint are:
 - 1) Name of person (individual or organization) or persons accused of violating the Code of Ethics.
 - 2) Date or dates of alleged violations of Code of Ethics.
 - 3) As specific a description as practicable of how the Code of Ethics was violated.
 - 4) Any documents relevant to the alleged facts. For example, if the Complaint alleges that a member of a USATF committee voted on a contract with a business of which the member was a director, relevant

documents might include the minutes of the committee meeting showing the committee's vote and documents from the secretary of state showing the names of the directors of the business. Documents like this are not required to file a Complaint but greatly assist the Ethics Committee in evaluating and investigating Complaints.

- 5) The specific provision of the Code of Ethics alleged to be violated.
 - c. The Code of Ethics is available on line at: <http://www.usatf.org/about/policies/ethics/code.asp>.
 - d. Upon receipt of a Complaint, it will be assigned a case number by USATF. To protect confidentiality, references to the Complaint shall be by number except to the extent necessary to conduct a full and fair investigation.
2. Upon receipt by the USATF General Counsel or the Ethics Committee Chair of a written Complaint, the Ethics Committee shall evaluate the information received and, within fourteen (14) business days, determine whether the complaint alleges facts that, if true, would constitute a violation under the Code of Ethics. (If the Complaint refers to a matter that appears to the USATF General Counsel or the Ethics Committee Chair to be of an emergency nature, the Ethics Committee shall endeavor to evaluate the Complaint as soon as practicable.) If the Ethics Committee determines that the conduct alleged would not constitute a violation, then the Ethics Committee may decline to take further action. The complainant, if known, shall be promptly notified of the determination in writing. There shall be no appeal from a determination to decline to proceed.
 3. If the Ethics Committee determines that the Complaint alleges facts that, if true, would constitute a basis for a finding of a violation of the Code of Ethics, then, within fourteen (14) business days of such determination, the Chair shall mail the details of the Complaint to the person against whom the complaint has been made. The complainant shall also be advised, within fourteen (14) business days of such determination.
 4. The Chair, in consultation with the USATF General Counsel, shall then cause an investigation to be undertaken. The investigation shall be concluded within forty-five (45) days, unless circumstances require a more expeditious conclusion. The Chair shall make the ultimate determination of the time to be allowed for the investigation to be completed. Any person assisting the Ethics Committee with an investigation shall be subject to the confidentiality rules described below with respect to any information obtained in the course of the investigation.
 5. The Chair shall designate one or more Ethics Committee members to conduct the investigation. The investigation will be conducted by using any reasonable means, including, without limitation, telephone, e-mail, and regular mail. Successful investigations are largely dependent upon the cooperation of the complaining and responding parties and witnesses. It is expected that all parties will cooperate with the investigation by being available to visit with investigators and by providing relevant information and documentation available to them in support of or in opposition to the complaint.
 6. After conducting the investigations, the Ethics Committee shall provide the Board of Directors with its written findings and recommendations within thirty (30) days following the conclusion of its investigation. Any recommendation by the Ethics

Committee which further recommends a sanction shall be consistent with sanctions otherwise available to the USATF Board of Directors under USATF bylaws, regulations, policies or procedures.

7. In accordance with the USATF Code of Ethics, no member of the Ethics Committee or any other person who has participated in investigating a Complaint on behalf of the Ethics Committee shall be subject to being called as a witness in any subsequent USATF proceeding related in any way to the Complaint or the resultant opinion. All investigation information shall remain confidential.
8. Confidentiality: There is no retribution or discipline for anyone who reports a concern in good faith and all those that report will be treated with the utmost confidentiality. Upon request by the complainant, and to the extent practicable and without hindering or limiting a full and fair investigation, USATF and the Ethics Committee will use reasonable efforts to protect the identity of any individual who reports a concern or misconduct as well as the identity of any individual or organization which is the subject of the claim. Any information regarding a "Responsible Person" or a friend or "Family Member" (as such terms are defined in the USAF Code of Ethics) shall be treated as confidential and shall generally be made available only to those with a need to know such information. A "Responsible Person" will not disclose confidential information acquired in connection with such status. Furthermore, a "Responsible Person" will not disclose or use information relating to the business of USATF for personal profit or advantage of the "Responsible Person" or a "Family Member." Any such disclosure or use shall be considered a breach of this Code of Ethics provision and shall subject that person making such use or disclosure to further action including, but not limited to, monetary damages.