

## USHJA POLICY STATEMENT

**Subject: USHJA Complaints/Grievance Process**

**Policy Number: GA112**

**Date of Board Adoption: May 7, 2018**

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### USHJA Complaints/Grievance Process

#### **I. Who Can File a Complaint/Grievance?**

A complaint can be filed by any member of USHJA.

#### **II. Instructions for submitting a Complaint**

1. Complaints must be submitted in writing within 90 days of the event or issue by following the steps outlined below and providing the required detail, and be accompanied by a fee of \$200.
2. The information submitted with a complaint must be clearly identified and will become the property of USHJA. It will not be returned.
3. All complaints must be signed by the complaining party.
4. Mail the written complaint and all documentation to the **Confidential** attention of  
Attn: USHJA Conduct Review Committee Liaison  
United States Hunter Jumper Association  
3870 Cigar Lane  
Lexington, KY 40511
5. A written complaint should:
  - a. List the full name and address of the person(s) identified in the complaint, describe their relationship to USHJA, and provide the following for each person.
    - Full name
    - Address
    - Phone number
    - Email address
  - b. Describe the particularity of the facts and event which are believed to constitute the issue(s), event(s) or violation(s), and the place and date(s) of the alleged incident(s).
  - c. Name witnesses to said actions known to the issue(s), event(s) or violation(s).
  - d. Attach all supporting documentation currently in your possession which supports the complaint(s).
  - e. The complaint must be signed by the complainant(s), and include:
    - Full name
    - Address
    - Phone number
    - Email address

- USHJA membership number

## Attachment 1

### Jurisdiction

The Conduct Review Committee shall have authority to review all complaints and grievances of violation of USHJA Ethical Standards and Rule of Conduct, including but not limited to charges of misconduct by USHJA members, volunteers, certified trainers, persons under contract of service with USHJA, and others who are officially recognized as performing services under the jurisdiction of USHJA.

The Conduct Review Committee shall not, unless there are exceptional circumstances, hear any charges which involve:

1. Private and/or contractual disputes between two or more persons that should properly be settled by a court of law.
2. USEF Rule infractions at USEF Licensed Competitions or other equine events where formal protest procedures are available as a means of filing charges of misconduct but have not been used.
3. Disputes which have been submitted to a court of law or arbitration in which a court or arbitrator has made a final non-appealable determination of facts in such a way that no violation would have occurred.
4. Alleged violations which occurred more than 90 days before the charges were filed.

In the event charges are filed involving a matter which is or becomes the subject of litigation or arbitration, the Conduct Review Committee and USHJA shall stay all proceedings in that matter pending the final outcome of the litigation or arbitration. For purposes of any proceeding under this policy, the Conduct Review Committee shall accept any final factual determinations made by a court of law or arbitrator. In all cases stayed pursuant to this provision, the complainant must notify USHJA in writing as to the status of the litigation by December 31 of each year. Failure to do so will result in automatic dismissal of the complaint.

In the event charges are filed involving a matter in which a formal protest has also been filed with another show/event governing body, the Conduct Review Committee shall stay all proceedings in the matter pending the final outcome of the protest procedure. For purposes of any proceeding under these rules, the Conduct Review Committee shall accept any final factual determinations made by the protest-hearing body.

### **I. General Complaint/Grievance Processing Procedure**

1. Once a complaint is both completed and submitted:
  - a. Acknowledgement of receipt of the complaint will be sent to the complainants.
  - b. The Conduct Review Committee will be notified, and will undertake the following steps:
    - i. Review and examine the nature of the complaint, and determine if the complaint has sufficient grounds for review. If determined to be:

1. A Safe Sport Violation, notify complainant they must submit complaint to the Center for Safe Sport
2. A process violation of USEF Rules, USHJA Program or Zone Specifications refer the complaint to the USEF Competitions Department and Regulations/Legal Department
3. Within the purview of USHJA under the Rules of Conduct, the Conduct Review Committee will take-up the issue and:
  - a. Send a written notice of the complaint to the person(s) named in the complaint and inform that person about the facts of the complaint (using a copy of the complaint if appropriate), and as necessary, request a meeting to discuss the complaint with the person(s) named.
  - b. Meet with the named person(s) in the complaint, and conduct interviews of all parties. The process is not a formal "hearing." Give the person(s) a chance to respond to the complaint and the information the committee has gathered (which may include a written response). If asked, and unless special concerns require otherwise, the Conduct Review Committee shall give copies of the records it has gathered about the complaint to the person(s) named. Private or sensitive information may be removed from the copies if needed.
  - c. If the Conduct Review Committee determines the complaint has basis it will research the complaint, interview as necessary all relevant parties, and gather information for a determination. Once a determination has been reached, the person(s) who submitted the complaint and the person(s) named in the complaint will be informed that a determination has been reached. The Conduct Review Committee may, when appropriate, inform the person(s) submitting the complaint what steps, if any, will be taken to correct the situation. Any decision or action taken by the Conduct Review Committee is final.
  - d. If the Conduct Review Committee determines the complaint has no basis for review beyond the initial analysis, it shall return the complaint and its determination to the complainant, and additionally will inform the named person(s) in the complaint. The decision of the Conduct Review Committee is final.
  - e. In the event the Conduct Review Committee determines the complaint has no basis, the complainant has the right to submit new information and/or documentation which would cause the complaint to be considered for further review. In the event additional information and/or documentation are submitted, and upon further review, the Conduct Review Committee again determines that the complaint has not basis, it shall return its determination to the complainant. No further review shall be granted unless otherwise determined by the Conduct Review Committee. The decision of the Conduct Review Committee will remain final.
6. The person(s) named in the complaint will have:
  - a. The right to ask that a member of the Conduct Review Committee be disqualified because of a conflict of interest. (This does not guarantee that the member will be disqualified.)

- b. The right to provide written evidence and arguments in his/her favor.
7. A Conduct Review Committee member must recuse his/her self if they have a conflict of interest related to a complaint.
8. If the person named in the complaint denies responsibility, he/she retains the right to provide written evidence and arguments in his/her favor.
9. If the person named in the complaint does not appeal within the time allowed, then the Conduct Review Committee's decision is final.
10. If either party in connection to the filed complaint disagrees with the determination of the Conduct Review Committee, the parties may appeal by sending the USHJA Executive Committee through the Executive Director a written notice asking for an appeal of the decision of the Conduct Review Committee. This written notice must be postmarked, faxed or emailed to the USHJA Conduct Committee Liaison no more than 15 calendar days after the date of the Conduct Review Committee's written decision. The written request must identify the reasons for the appeal and include any new evidence not previously presented to the Conduct Review Committee.
11. If the request for appeal consideration is granted, the decision of the Executive Committee shall be final and binding with no further review and/or appeal of any kind.

## **II. Sanctions**

Sanctions that may be imposed include but are not limited to the following:

1. Removal from the USHJA Board of Directors
2. Removal from a USHJA Committee
3. Prohibited as an eligible contractor (clinician, Chef d' Equipe, competition or show manager, etc.)
4. Temporary suspension and/or revocation/prohibition as a Recognized Riding Academy
5. Temporary suspension and/or revocation/prohibition as a Certified Trainer