

## Process for Managing Alleged Masters Track and Field Club Recruiting Code of Conduct Violations



### Introduction

The process outlined deals only with possible Recruiting Code of Conduct Violations by clubs and does not include any proposed sanctions against athlete(s), except that athletes might not be able to score points for clubs found to have violated the **Recruiting Code of Conduct**.

An athlete might violate the **Recruiting Code of Conduct**, for instance by asking one or more clubs what they would offer for him or her to change clubs and compete for them at a championship meet. Code of Conduct violation(s) by individual athletes would only come under this process if a club agreed to offer an athlete something inappropriate, and then the violation would be a violation by the club.

Now that a **Recruiting Code of Conduct** has been adopted for USATF Masters Clubs, there must be:

- a method for a Club to file a **Notice of Violation**,
- a method of collecting a statement of the facts from both clubs involved,
- a **Fact Finder or a Fact Finding Panel** to collect the facts and decide on sanctions,
- a way to decide what the facts are by weighing the statements of fact of both clubs,
- a series or levels of possible findings,
- a progression of sanctions,
- time limits for timely responses, and
- a cost associated with filing a **Notice of Violation** to deter frivolous complaints.

### Notice of Recruiting Code of Conduct Violation

Clubs may file a Notice of Violation of the Recruiting Code of Conduct in writing or by email to the MTF Regional Coordinator for the region of the complainant or, if the Regional Coordinator might be seen to have a conflict of interest, to the Vice Chair of the MTF Committee. The Regional Coordinator or the Vice Chair will pass the complaint along to the Masters Track and Field Committee (MTF). The committee will respond to the complainant within 30 days with an acknowledgement and a request for a written description of the incident which should include the approximate date and place it occurred, who was involved and should include enough information to understand the nature of the alleged violation.

The MTF Committee will consider the incident description and assign one of its members or an uninvolved third party to talk to the parties involved, including: current club, recruiting club and the athlete involved. The committee member or third party given this task should be prepared to act primarily as a mediator, fact finder and fence-mender if possible. If the issue can be settled informally at this stage, that should be done. If there appears to have been a violation, and the club asserting a violation wants to proceed, the committee member or third party fact finder will report his or her findings to the Masters Committee within 30 days of sending the acknowledgement of the complaint, and they will decide what action to take at its next scheduled meeting.

A club may file a **Notice of Recruiting Code of Conduct Violation** by letter or email addressed to the Regional Coordinator or the Vice Chair of the MTF Committee. The letter must identify itself as a **Notice of Recruiting Code of Conduct Violation** and include a statement of the facts including the nature of the communications that took place including as much information as is available as to who the parties were, the dates involved and the nature of any offers or inducements made. The club filing a Notice of Violation must include a check in the amount of \$100 made out to the MTF Committee. A scan of the front of the check may be attached to an email Notice of Violation with the actual check to be mailed shortly thereafter to the Regional Coordinator or Vice Chair as appropriate.

The Masters Track and Field (MTF) Committee may act as a fact finding panel or may appoint one or more of its members to so act, or the Masters Committee may select a third party or constitute an ad-hoc group of three to act as the fact finding

panel. If the ad-hoc panel approach is used, two of the members could be presidents of other similar but uninvolved clubs, with the third party being a member of the MTF Committee or someone they appoint.

The group selected to gather facts and rule on a violation will first contact the club being charged with a recruiting violation, requesting a statement of the facts from the club being charged. Each party will be sent a copy of the Masters Recruiting Code of Conduct.

**A Notice of Recruiting Code of Conduct Violation** can be withdrawn at any time by the club which initiated the process. This would conclude the fact finding and sanctioning process.

### **Statements of Fact**

These should include full contact information for all persons involved and should include times, places and dates to the extent that they are known. Statements should be limited to the incident being considered and should not contain any allegations of improper conduct that may have occurred prior to the adoption of the Recruiting Code of Conduct on which this process is based.

### **Fact Finding Panel**

The purposes of the Fact Finder or Fact Finding Panel are to:

- Mediate between the clubs involved
- Solicit the statements of fact from the parties
- Discuss the situation with all the parties involved
- Present a report to the MTF Committee of their conclusion as to what the facts are and how they relate to the Masters Club Recruiting Code of Conduct
- Decide on one of the four levels of findings
- Seek to mend relations between the two clubs involved

### **Four Possible Levels of Findings:**

The fact finder will report that one of the following four possible levels of findings has been determined to exist:

- No Recruiting Violation has occurred
- A Recruiting Violation has not been proven by a preponderance of the evidence
- Aggressive Recruiting has occurred
- Masters Code of Conduct has been violated

### **Progressive Sanctions if Aggressive Recruiting has Occurred**

1. No action is warranted
2. Warning issued (this may be done even if a recruiting violation has not been found)
3. The athlete involved cannot score points for the club being sanctioned for up to two years
4. The club being sanctioned may be disqualified from receiving a Team Award at Regional or National Championship Meets for up to two years.

### **Confidentiality**

The identities of all clubs both initiating and receiving a Notice of Violation shall be kept confidential until sanction level 2, 3 or 4 is given and all appeals are exhausted.

### **Appeal**

A club receiving a sanction may appeal to the Masters Committee by sending a letter specifying the reason for their appeal. The Masters Committee will Rule on any appeal.

