



Western Dressage Association of America Complaint Resolution Policy

1. **Types of Complaints.** The WDAA has the authority to hear and render decisions on the following types of complaints pursuant to the complaint procedures in this Policy:
 - a. Governance Complaints, which are complaints alleging that the WDAA has violated a bylaw, policy, procedure, rule, or code.
 - b. Disciplinary Complaints, which are complaints alleging that the conduct of an individual, organization, or entity other than the WDAA and over whom the WDAA has jurisdiction violated WDAA rules, policies, or code of conduct. Disciplinary Complaints do not include matters within the exclusive jurisdiction of another governing body, including USEF, IOC, IPC, WADA, FEI, USOPC, USADA, the U.S. Center for SafeSport, matters that are accepted by the U.S. Center for SafeSport under its discretionary jurisdiction, and anti-doping violations adjudicated by another governing organization, and WDAA shall enforce any sanctions issued in any such matters without further proceedings.
 - c. The WDAA's authority to hear complaints does not include complaints regarding field of play decisions. The final decision of a person, such as a judge or other official, who is designated to have discretion to make field of play decisions during a competition is not reviewable under this Policy unless the decision is outside the official's scope of authority, or the product of fraud, corruption, partiality or other misconduct of the person making the decision.
2. **Concurrent Jurisdiction.** If USEF or another governing body has concurrent jurisdiction over a matter which may be the subject of a complaint under this Policy, any complaint filed under this Policy regarding the same subject matter may be stayed pending resolution of the other investigation or proceeding, after which the WDAA may in its discretion apply reciprocal discipline without further proceedings.
3. **Alternative Dispute Resolution.** The WDAA strongly encourages parties to engage in alternative dispute resolution, such as mediation. Parties may agree in writing to informally resolve a matter, and the WDAA may participate in or attempt to facilitate reaching such resolution. An informal resolution that is agreed to by the parties in writing will be a final disposition of the matter that is not appealable, and the reporting party cannot pursue the matter further. Informal resolution of a pending complaint is subject to approval by the Complaint Review Committee. If an informal resolution results from a matter that was reported to the WDAA, notice of the resolution may be sent to the reporting party, and the WDAA may but is not required to provide the reporting party with details of the resolution. Informal resolution efforts will not toll or extend the time limitations in this Policy for filing

complaints unless all parties to the dispute have signed a written agreement to that effect.

4. **Time Limitations for Filing Complaints.** All complaints must be timely filed.

- a. Governance Complaints must be filed within 180 calendar days of the occurrence of the alleged incident giving rise to the complaint; and
- b. Disciplinary Complaints must be filed within 180 calendar days of discovery of the alleged violation, except that complaints alleging violations of the Safe Sport Policy are not subject to this time limitation.

5. **Administration of Complaints by WDAA Board of Directors.**

- a. The WDAA Board of Directors (“WDAA Board”) will generally administer and oversee all complaints such that complaints are heard in a timely, fair, and impartial manner. Parties to the proceedings will be afforded the rights as described in this Policy. The WDAA Board may promulgate procedures in addition to those set forth in this Policy for the effective administration of reports of violations or formal complaints received by the WDAA.
- b. The WDAA Board shall appoint a Complaint Review Committee of three members who shall serve three-year terms and two alternates who shall serve three-year terms, and it shall select a committee chair from among the appointed committee members. In any proceeding, the Complaint Review Committee members shall be neutral and disinterested individuals relative to the facts in issue. No member of the Complaint Review Committee shall hear, participate in, or vote on any matter in which they are personally involved, about which they have personal and firsthand knowledge, or involving individuals or entities with whom they have had a close business or personal relationship during the year prior to the proceedings. If a Complaint Review Committee member has an interest in or personal knowledge of or involvement in a particular proceeding, the WDAA Board shall appoint one of the alternates to serve on the Complaint Review Committee in place of the interested member for that proceeding. The Complaint Review Committee may consult legal counsel in the performance of its duties.

6. **Initiation of Complaint.** A complaint must be initiated by completing in full and submitting the appropriate Complaint Form, together with payment of a non-refundable \$200 filing fee, to the WDAA Executive Director, Diana Swanson, email: dini@westerndressageassociation.org. Any complaint that is not submitted on the required complaint forms, is incomplete, is untimely on its face, or not accompanied by the filing fee is ineffective and shall not be considered to have been properly filed. If the complaint is rejected as incomplete and the complainant resubmits a new complaint, the complainant need not re-pay the filing fee for the first re-submission. Complaints filed by the WDAA are not subject to the filing fee, and the WDAA Board may waive the required filing fee upon a complainant’s showing of hardship or

other good cause. A properly filed complaint shall be forwarded to the Complaint Review Committee.

7. **Confidentiality.** No member of the Complaint Review Committee shall discuss any proposed or ongoing investigation, review, or any pending matter in public or with others outside of that committee. However, to the extent Complaint Review Committee deems it necessary or appropriate, committee members may confidentially discuss such matters with current WDAA staff and leadership, who shall likewise maintain confidentiality of matters discussed.

8. **Procedures for Governance Complaints.**

- a. **Committee Authority.** The Complaint Review Committee may hear Governance Complaints that are properly filed against the WDAA by any current member.
- b. **Complaint Requirements.** A Governance Complaint must set forth in clear and concise language, preferably in numbered paragraphs: (i) the facts supporting the alleged violation; (ii) each bylaw, policy, procedure, rule, or code allegedly violated; (iii) the identity of any parties claimed to have been aggrieved by the violation; (iv) the identity of any individuals or entities that allegedly caused or contributed to the alleged violation; and (v) the remedy requested. The complainant must identify themselves, sign the complaint, and provide their current contact information on the form, including their preferred phone number and email address for receipt of communications regarding the matter.
- c. **Decision Without Hearing.** The Complaint Review Committee shall investigate and decide Governance Complaints based on the results of its investigation and the written record and without hearing. A decision will be determined by a majority vote of the Complaint Review Committee. Its written decision will be distributed to the complainant as soon as practicable. If circumstances warrant a speedy decision, the Complaint Review Committee may issue a brief written interim decision followed by a longer written decision. The decision is not appealable.

9. **Procedures for Disciplinary Complaints.**

- a. **Committee Authority.** The Complaint Review Committee may hear Disciplinary Complaints that are properly filed against a person involved in WDAA activities, including any person subject to the WDAA Code of Conduct, who has allegedly violated WDAA rules or regulations relating to conduct. Disciplinary Complaints can be filed by any current member, parent or legal guardian of a member, or any WDAA official, so long as the complainant agrees to be subject to and bound by the decision rendered pursuant to the applicable complaint procedures. Disciplinary Complaints also can be filed by the WDAA following its discovery of the violation or following its receipt of a

report of a violation. In any case, the complainant agrees to be subject to the complaint procedures in this Policy and to be bound by any decision rendered pursuant to those.

- b. **Reporting of Alleged Misconduct.** Any individual may report alleged misconduct to WDAA, either verbally or in writing. In a report, the individual is encouraged, but not required, to provide the following information: (i) the identity of the individual or individuals alleged to have violated the WDAA rules or regulations related to conduct; (ii) details regarding the complained of misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; and (iii) the reporting or complaining party's contact information, including a preferred email address, unless the report or complaint was made anonymously. Reports may be made anonymously. If the WDAA determines that a proper investigation cannot be conducted while maintaining the reporting party's anonymity, the WDAA shall attempt to so inform the reporting party and attempt to obtain the reporting party's consent to continue the investigation without a promise of anonymity.
- c. **Information Received of Alleged Misconduct.** The WDAA may also pursue a possible violation of WDAA rules or regulations based on information received other than by a report described here, including but not limited to:
 - i. Information supporting a violation that is uncovered by the WDAA in the normal course of its business;
 - ii. Receipt of notice that disciplinary action has been taken by another governing body or a court of law;
 - iii. Receipt of notice that a court of law has entered a judgment or final order against the respondent for monies owing to a member related to equestrian activities (e.g. training fees, coaching fees, stabling fees, horse board, horse transport, veterinary fees) and in connection with a WDAA licensed competition, which order or judgment is final and not subject to further appeal;
 - iv. Receipt of an indictment, information, or charge, or a civil, criminal, or administrative proceeding or arbitration or other tribunal finding, that found that the respondent has committed or participated in any plan or conspiracy to commit any act of cruelty or abuse to a horse, whether or not any such alleged or actual act, plan, or conspiracy occurred on the grounds of a WDAA licensed competition, or was in conjunction with, or was an element of some other offense, actual or alleged. For purposes of this subsection, cruelty and abuse shall include, but shall not be limited to, any of the acts enumerated in USEF GR839.4, and, in addition, killing, crippling, abandoning, mistreating, neglecting, or any other form of abuse of a horse.

- d. **Preliminary Inquiry/Investigation.** Upon receipt of a report of an alleged violation of WDAA rules or regulations related to conduct, the WDAA will undertake a preliminary inquiry into the matter and gather any relevant information it can regarding the alleged misconduct that is readily available. If the WDAA determines that a formal investigation is required before proceeding with the case, then it will conduct, or direct to be conducted, an unbiased and impartial investigation of the report.
- e. **Party Responsible for Pursuit of Case.**
 - i. **WDAA.** Upon its own initiative or after review of the initial report, any preliminary information gathered, or investigation results, the WDAA may initiate a complaint by filing a Disciplinary Complaint. The WDAA maintains full discretion whether or not to initiate or otherwise pursue a complaint.
 - ii. **Reporting Party.** If the WDAA declines to file a Disciplinary Complaint, then the WDAA shall advise the reporting party (if not anonymous) that the reporting party may still file a Disciplinary Complaint so long as the reporting party is either: a member or parent of a member of the WDAA, or any WDAA official, director, officer, volunteer, employee, or contractor. Following receipt of notice that the WDAA declined to pursue the case, if the reporting party elects to file a complaint, then the reporting party is responsible for all aspects of pursuing the case, including without limitation the reporting party's attorney fees and expenses in pursuing the case. However, the WDAA will provide the reporting party with any relevant information it collected.
- f. **Temporary Immediate Measures.**
 - i. The WDAA may implement temporary immediate measures at any time, which shall be effective immediately upon notice, unless stated otherwise, (a) to ensure the safety or well-being of others, or horses; or (b) where an allegation is sufficiently serious. Temporary measures may include, but are not limited to, altering training schedules, providing chaperones, limiting contact, removal from the venue, and suspensions.
 - ii. Except as noted below, the respondent must be afforded an opportunity for a provisional hearing within a reasonable amount time after the imposition of temporary measures, including being allowed to request expedited procedures if it affects the respondent's opportunity to participate in an approaching competition. The provisional hearing is not a full hearing on the merits, but rather will determine whether there is reasonable cause to continue the

temporary measure pending a full hearing. The respondent will be afforded a hearing on the merits in a timely manner thereafter.

- iii. As an exception to the right to a provisional hearing, temporary suspensions and other temporary measures imposed by USEF, WADA, FEI, USADA, USOPC, the U.S. Center for SafeSport, or other governing body, in accordance with their procedures shall be honored by the WDAA without further proceedings.
- g. **Complaint Requirements.** A Disciplinary Complaint must set forth in clear and concise language, preferably in numbered paragraphs: (i) the identity of the individual or individuals alleged to have violated WDAA rules or regulations related to conduct; (ii) details regarding the misconduct, including, to the extent possible, the identity of any alleged victims or witnesses; (iii) the specific WDAA rules or regulations allegedly violated; and (iv) the initial report of the alleged misconduct. The complainant must identify themselves, sign the complaint, and provide their current contact information on the form, including their preferred phone number and email address for receipt of communications regarding the matter.
- h. **Notice of Complaint to Respondent.** Upon receipt of the complaint, the Complaint Review Committee shall promptly provide a Notice of Complaint to the respondent which shall include:
 - i. Copy of the filed complaint;
 - ii. Notice of opportunity to respond;
 - iii. Statement of right, at respondent's expense, to have legal counsel and to have a representative present and assisting during proceedings;
 - iv. Any potential consequences to the respondent if the allegations are proven;
 - v. The availability of informal resolution and mediation to resolve a complaint; and
 - vi. Deadlines for submitting a response and to request a hearing.
- i. **Decision Without Hearing; Request for Hearing.** The Complaint Review Committee may decide complaints based on the written record and without hearing. If timely requested, a party may request a hearing on a Disciplinary Complaint. If a party does not timely request a hearing, the party is deemed to have waived any right to a hearing.
- j. **Hearing.**

- i. If a hearing is requested, the Complaint Review Committee shall send a written notice to the parties of the hearing date, which shall not be less than 30 days from the date of the notice. The notice shall also include a schedule of deadlines for the proceeding, including the deadline for the parties to exchange a list of anticipated witnesses, a brief description of expected testimony, and any exhibits that the parties anticipate using at the hearing.
- ii. The Complaint Review Committee may in its discretion take reasonable steps that impact the nature, process, or length of the hearing. The hearing may be conducted by teleconference or videoconference at its discretion. Each party will have the right to appear personally or through a representative, to be represented by counsel, to give opening and closing statements, to object to evidentiary and procedural matters, to seek exclusion of certain witnesses or testimony, and to present and cross-examine witnesses subject to orders from the Complaint Review Committee. Each witness that testifies will do so under oath and subject to cross-examination by the opposing party and questioning by the Complaint Review Committee. Children under age 18 will not be required to submit to cross-examination by the respondent or the respondent's representative, and may instead be examined by the members of the Complaint Review Committee, including based on written questions submitted by the respondent, the respondent's representative, or both. Common law and statutory rules of evidence shall not apply, and the admissibility of evidence shall be determined by the chair of the Complaint Review Committee. All evidence that is relevant and that has probative value shall generally be admitted. The chair may refuse to admit evidence that is repetitious or cumulative.
- iii. Any party may request a court reporter to make a transcript of the hearing. If a request is made, the Complaint Review Committee will arrange for a court reporter. The expense of the court reporter and the transcript will be the responsibility of the requesting party, unless the parties mutually agree to share the cost.
- iv. The complainant bears the burden of proving alleged violations by a preponderance of the evidence. At the conclusion of the hearing, the Complaint Review Committee will review the evidence presented to determine whether the complainant has met the burden of proof.
- v. A decision will be determined by a majority vote of the Complaint Review Committee. Its written decision will be distributed to the parties as soon as practicable following the close of the hearing. If the circumstances of the hearing require a speedy decision, the Hearing

Panel may issue a brief written interim decision followed by a longer written decision.

- k. **Penalties.** If the Complaint Review Committee finds against the respondent, it may impose such penalties as it deems proper, including but not limited to the following:
 - i. Private censure;
 - ii. Public censure;
 - iii. Denial of all or part of WDAA privileges;
 - iv. Prohibition of involvement at WDAA events;
 - v. Prohibition from purchasing WDAA membership;
 - vi. Forfeiture and redistribution of titles, associated prizes and points won in connection with the misconduct.
 - l. **Appeal.**
 - i. Decisions that result in censure or forfeiture or redistribution of titles, prizes, and points are not appealable.
 - ii. For all other decisions, namely, those that result in suspension or ineligibility to compete at a WDAA licensed or sanctioned competition, then within 30 days of the issuance of the final decision, the respondent may appeal the decision to the WDAA Board for a final and binding decision. Any such appeal shall be limited to review of the record considered by the Complaint Review Committee, and the standard for review on appeal is whether the determination was arbitrary, capricious or in bad faith. A party may not present for the first time on appeal an issue or any evidence that was not raised during the original proceeding. The WDAA can remand the case to the Complaint Review Committee for corrections or further review. The hearing on appeal, if any, shall not exceed one day unless exceptional circumstances justify a longer hearing.
10. **No Retaliation.** Retaliation by the WDAA or any person associated with the WDAA against an individual for the filing of a complaint or report under this Policy is strictly prohibited. Retaliation against an individual for the filing of a report or complaint is a violation of WDAA policy and grounds for discipline.
11. **Litigation.** No person may invoke the aid of state or federal courts without first exhausting all available remedies as provided within the WDAA. This requirement

to exhaust all remedies does not preclude the commencement of alternative dispute resolution procedures, such as mediation or binding arbitration.

12. **Notice.** Notices required or permitted under this Policy may be given by personal service or by mail to WDAA or a party's last known address or email address according to WDAA's records. Mailed notices shall be sent first-class mail, postage prepaid, and by either registered or certified mail, return receipt requested. For the purpose of determining times of notification and response, notice shall be deemed given on the date personally served, mailed, or emailed.
13. **Choice of Law; Jurisdiction.** Colorado law applies to all matters pertaining to this Policy. Any disputes regarding proceedings conducted under this Policy shall be brought in Douglas County, Colorado, or U.S. District Court for the District of Colorado.

FORMS:

Governance Complaint Form

Disciplinary Complaint Form