

ROAD RUNNERS CLUB OF AMERICA

Complaint Resolution Process

RRCA Board Approved: April 23, 2015

Overview

The Road Runners Club of America (“RRCA”) recognizes the growing number of complaints in the running community. As the number of running organizations and organized races increases, the probability of complaints against running organizations and race organizers also increases.

Although it is not the RRCA’s role to manage local conflicts, personality conflicts, or general business competition, as our member organizations are self-governed, the RRCA recognizes that the parties to a conflict do not always easily resolve complaints about governance, unethical behavior, questionable business practices, and other types of conduct or activities that could have a significant impact on the RRCA members.

First and foremost, the RRCA strongly recommends that all members adopt and promote a member code of conduct as a first step in proactively managing conflicts that may arise. Detailed information about the RRCA’s Member Conduct Policy can be found at <http://www.rrca.org/club-directors/manage-your-club/#code>

Apart from the RRCA’s Member Conduct Policy, the RRCA, recognizing the potential likelihood of an increase in conflicts as the sport of running grows, has established a Complaint Resolution Process (“CRP”). The CRP is designed to provide guidance and help members find ways to resolve conflicts. It is intended that the CRP be used as a guide to address conflicts between or among individuals, an RRCA member club, an RRCA running club member, an RRCA event member, or an RRCA event management company. **The RRCA does not manage any conflict between individuals and running clubs or events that are not dues paying members of the RRCA.**

The first step in the CRP is set forth below in the section entitled “Recommended Actions for Conflict Resolution at the Local Level,” which outlines the actions that RRCA members and individuals can take to try to resolve conflicts at the local level. When the conflict cannot be resolved through the Recommended Actions for Conflict Resolution at the Local Level, the CRP provides a second step, set forth below in the section entitled “Complaint Resolution Assistance at the National Level,” which outlines the actions that RRCA members can take to engage the RRCA in providing oversight of the conflict and assisting the parties in achieving a mutually satisfactory resolution of the dispute.

I. Recommended Actions for Conflict Resolution at the Local Level

The first step in the CRP focuses on actions that the RRCA recommends for conflict resolution at the local level. Upon request, the RRCA Executive Director works with board members of member running clubs, member events, and race directors for event management companies to provide guidance when leaders of those organizations face governance problems or have challenges in addressing individual complaints. The information in this section outlines the guidance that the RRCA provides to board members of local clubs and events to help them manage conflicts locally before requesting further assistance from the RRCA’s National Office.

From time to time, individual members of running clubs or runners from the local community contact the RRCA to share a concern or a complaint. Therefore, the RRCA recommends that the parties take the following actions before bringing their conflict to the attention of the RRCA's National Office. Should an individual make a complaint to an RRCA State Representative, RRCA Regional Director, or the National Office, the RRCA will direct individuals to first take the actions described below in an effort to resolve the conflict at the local level.

1. Submission of Written Complaint. If an individual member of a club, or a board member of a club or event's board of directors ("Local Club/Event") has a concern about club or event governance or violations of a Local Club's/Event's stated policies, including a possible violation of a member code of conduct, that individual should submit, in writing, a request to review the concern with the Local Club's board of directors at the next scheduled meeting, or sooner if circumstances warrant an emergency meeting.
2. Subject of Complaint. Individuals should avoid bringing personality conflicts to the Local Club's/Event's board of directors. Complaints should be of a nature to address concerns of theft, fraud, failure to follow bylaws or stated Local Club/Event policies, failure to file required tax forms, unethical behavior including profiting from board service, serious and repeated violations of the code of conduct, improper elections, or other serious governance infractions. Individuals or entities that are in direct competition with a Local Club/Event should guard against filing a complaint against their competitor as a means to simply gain a competitive advantage.
3. Shared Communication of Complaint. When submitting a written request to address concerns with a Local Club's/Event's board of directors, an individual should send an email or certified letter to the Local Club/Event president, with a copy to the other officers of the board or the Local Club's/Event's entire board of directors, to ensure that all parties are aware of the concern. The communication should outline specific concerns without making threats, personal attacks, accusations, or using inflammatory language.
4. Receipt/Acknowledgment of Complaint. It is reasonable to request a receipt or written acknowledgment that the Local Club's/Event's officers and/or board of directors has received a letter of complaint.
5. Time for Local Club/Event to Review Complaint. The individual bringing the complaint to the Local Club's/Event's board of directors should allow adequate time for the board to review, respond, and/or address the complaint, as needed. This process can take up to 30 days or more, depending on the nature of the complaint. The complainant should be respectful of the timetable that may be established to review a complaint, but the process can be monitored and reviewed to ensure action by the board if a complaint is not addressed in a timely manner (over 30 days).
6. Local Club's/Event's Review of Complaint. The Local Club's/Event's board of directors should take action to review the complaint in a timely manner. This review should include discussion of the complaint at an officially scheduled in-person or teleconference board meeting. The meeting should provide the complainant with an opportunity to present his or her complaint in person, setting forth the facts as they see them, and allow for board deliberation where all board members should be allowed to ask questions and express opinions about the matter.

The board may set a reasonable time limit for hearing the complaint. Board members should refrain from making adversarial, negative, or confrontational comments until the presentation time has

concluded. The board members, with the permission of the meeting chair, may make statements and ask clarifying questions following the presentation. The board may elect to go into a closed session to deliberate the complaint outside the complainant's presence after all questions and facts have been gathered from the complainant. The board secretary should record the fact that a complaint was received, presented, discussed, and outline any outcome or action to be taken in the minutes to prove that the complaint was considered and/or acted upon by the board.

7. Local Club's/Event's Board of Directors' Determination that Complaint is Founded. If a complaint is founded, based on the majority vote of the full board of the Local Club/Event (or in accordance with the Local Club's/Event's bylaws), and depending on the severity of the violation, the board may wish to consult with a local attorney and/or local law enforcement to determine a course of action. Working with local law enforcement is the best option if the problem seems to be more serious in nature, especially if there are issues related to assault, unwanted sexual or physical contact with other members, especially minors, or other types of potential criminal conduct. If the complainant suspects or witnesses a crime of assault or sexual abuse of a minor, the complainant should report the incident directly to local law enforcement. If the complaint is related to governance concerns, the board may consult with the RRCA's Executive Director for guidance and possible assistance.
8. Local Club's/Event's Board of Directors' Determination that Complaint is Unfounded. If a complaint is determined by the Local Club's/Event's board of directors to be unfounded and no action is taken, the board should promptly communicate, in writing, its finding to the complainant, setting forth the basis for its finding. In such case, the complainant may be satisfied with the review and choose to not further pursue the complaint, the matter having been resolved to the complainant's satisfaction. However, if the complainant feels that the matter has not been adequately addressed or resolved by the board, the complainant may file a written appeal with the board, setting forth the basis of the appeal. The board should address the appeal within a 30-day timeframe similar to the timeframe for the initial complaint. If the board again determines the matter to be unfounded, the complainant should re-evaluate the matter.
9. Pursuit of Complaint beyond Local Level. If a complaint is ignored or disregarded after multiple attempts to have the complaint acknowledged by the Local Club's/Event's board of directors and/or an individual has exhausted all remedies at the local level as outlined above and the individual believes that his or her complaint is still valid and of a serious nature, the individual may pursue conflict resolution assistance at the national level, as described in II. below.

II. RRCA's Complaint Resolution Process for Local Clubs/Events at the National Level ("CRP")

The second step in the CRP is complaint resolution assistance at the national level. Except in extraordinary circumstances, this second step is reserved for individuals who have made a good faith effort to take the actions listed in the Recommended Actions for Conflict Resolution at the Local Level, as described in I. above, and, having exhausted all remedies at the local level, have been unable to achieve a mutually satisfactory resolution of the conflict.

1. **RRCA Members Eligible for Complaint Resolution Process at National Level.** The goal of the CRP is to establish a grievance procedure that can be used by the following RRCA members, as outlined below, to amicably resolve disputes:
 - A. a member running club in good standing with the RRCA ("Local Club");
 - B. an event member in good standing with the RRCA ("Event");

- C. an event management company in good standing with the RRCA (“Event Management Company”);
 - D. an individual who belongs to an RRCA Member Club (“Running Club Member”); and
 - E. an individual who does not belong to an RRCA Member Club but has an individual membership in the RRCA (“Individual Member”);
2. **Access to Complaint Resolution Process at National Level.** In order for the parties in conflict to gain access to the CRP, the parties in conflict must demonstrate to the RRCA’s satisfaction that they—
- A. have exhausted all remedies, including appeals, outlined in the Recommended Actions for Conflict Resolution at the Local Level; and
 - B. after availing themselves of such remedies and making reasonable efforts to resolve the conflict at the local level, have been unable to achieve a mutually satisfactory resolution of the conflict.
3. **Grounds for Initiation of Complaint Resolution Process at National Level.** The following are grounds for an RRCA member, as described in Section 1 above, to request initiation of the CRP:
- A. Violation(s) of the RRCA’s membership policies designed to purposefully defraud the RRCA of membership dues and insurance assessment for activities of a Local Club/Event. The following are examples of such violations:
 - i. reporting 20 household members in a club that has significantly more dues paying members;
 - ii. reporting that a race has 200 participants when it has significantly more paid participants; or
 - iii. knowingly providing false membership information to the RRCA and receiving benefits from the RRCA’s insurance program based on such false information.
 - B. Violation(s) of the Local Club’s/ Event’s bylaws and board-approved policies and procedures if that Local Club/Event is a member of the RRCA’s group exemption with the Internal Revenue Service. The following are examples of such violations:
 - i. failure or refusal to hold annual elections for a Local Club’s/Event’s board members as required by the RRCA’s bylaws and therefore a Local Club’s/Event’s bylaws;
 - ii. members of a Local Club’s/Event’s board of directors being paid a fee for service or profiting from board service;
 - iii. members of a Local Club’s/Event’s board of directors refusing to adopt policies that are required by the RRCA to maintain their status in the nonprofit group; or
 - iv. having more than three related individuals serving on a Local Club’s/Event’s board of directors at one time that results in the related individuals having voting control over board actions.
 - C. Activities which are perceived to be illegal or constitute a breach of ethical behavior. The follow are examples of such activities:
 - i. embezzlement of a Local Club’s/Event’s funds;

- ii. personal use of a Local Club's/Event's assets that benefit an individual (profiting from board service);
- iii. laundering money; or
- iv. providing unapproved loans to members of a Local Club's/Event's board of directors.

D. Violation(s) of the following RRCA's rules of governance by an RRCA employee, an RRCA officer, a member of the RRCA's Board of Directors, an RRCA state rep, or other individual who has been hired or appointed by the RRCA:

- i. the RRCA's Bylaws;
- ii. the RRCA's Code of Conduct for Board, Staff, and State Reps;
- iii. the RRCA's Document Retention and Destruction Policy;
- iv. the RRCA's Whistleblower Policy.

E. Conduct that, in the opinion of the Executive Director, after consultation with the RRCA President, meets the actions outlined in the RRCA's Membership Accountability Process. (see Attachment A).

4. Filing of Complaint with RRCA. Any RRCA member, as described in Section 1 above, who has satisfied the requirements for access to the CRP, as described in Section 3 above, may file a written complaint with the RRCA in accordance with the following rules.

A. The complaint should be set forth on an RRCA-prescribed complaint form. The form should be fully completed and include the complainant's contact information and such other information as the Executive Director deems appropriate for proper review of the complaint, including evidence satisfactory to the RRCA that all attempts to resolve the matter at the local level have been exhausted in accordance with the Recommended Actions for Conflict Resolution at the Local Level, as described in I. above.

B. The complaint should clearly outline the complainant's relationship with the Local Club/Event (member, board member, non-member, donor, etc.) and set forth, in detail, the complainant's description of the relevant facts underlying the complaint. The complaint should be clearly and concisely worded, devoid of any language that can be perceived as threatening, inflammatory, vulgar, or insulting.

C. All complaints must be filed with the RRCA at the following address:

National Complaint Resolution Process
Attn: Executive Director
Road Runners Club of America
1501 Lee Highway, Suite 140
Arlington, Virginia 22209

A complaint may also be filed electronically at execdir@rrca.org. Under no circumstance will the RRCA accept a posting or a private message via a social media account (Facebook, Twitter, Instagram, etc.) as an official form of a complaint for addressing through the CRP.

- D. The RRCA shall assess an administrative fee of \$100 to any individual who files a written complaint against a Local Club/Event and requests complaint resolution assistance through the CRP.
 - E. Upon receipt of a complaint from an RRCA member, the Executive Director shall determine within ten (10) business days following its receipt whether the complainant has satisfied the requirements for access to the CRP. If the complainant has not satisfied such requirements, the complainant shall be so notified and shall be permitted to remedy the deficiency locally and refile the complaint as needed. Upon receipt of the refiled complaint, the Executive Director shall again review the complaint to determine whether the complaint, as refiled, has satisfied the requirements for access to the CRP.
 - F. If the complainant has satisfied the requirements for access to the CRP, the complainant shall be so notified, and the Executive Director shall review the complaint and take such further action as may be warranted in accordance with Section 5 below.
 - G. If the Executive Director determines that the substance of the complaint does not constitute grounds for the initiation of the CRP, the Executive Director shall advise the complainant, may provide some feedback, and the complaint shall be dismissed.
 - H. If the Executive Director, after fact finding with both the complainant and the Local Club's/Event's board of directors or its leaders, determines that there is substance to the complaint, and that the complaint does not appear to have been properly addressed at the local level in accordance with Section 9 of the Recommended Actions for Conflict Resolution at the Local Level, the Executive Director shall consult with the RRCA President and appoint a Conflict Resolution Advisory Committee. In any such case, the \$100 administrative fee will be refunded to the complainant.
5. Appointment of Conflict Resolution Advisory Committee by Executive Director. Upon acceptance of the complaint, the Executive Director, following consultation with the RRCA President, may appoint a Conflict Resolution Advisory Committee consisting of:
- A. the Executive Director as Chair;
 - B. two (2) members of the RRCA's Board of Directors
 - C. one (1) member who is not a member of the RRCA's Board of Directors (e.g., a former board member, an RRCA state rep, or other key RRCA stakeholder); and
 - D. such other members as the Executive Director deems necessary and appropriate to manage the task.
6. Actions by Conflict Resolution Advisory Committee. Following the appointment of the Conflict Resolution Advisory Committee members in accordance with Section 5 above, the Conflict Resolution Advisory Committee may confer with the parties in conflict by phone, letter, e-mail, or in-person, or by other means of communication to obtain sufficient information and evidence regarding the conflict to enable the Conflict Resolution Advisory Committee to properly evaluate the complaint and recommend a solution to the conflict. The Conflict Resolution Advisory Committee shall make every reasonable effort to resolve the conflict. However, depending on the nature of the conflict, the Conflict Resolution Advisory Committee may not be able to resolve the conflict to the satisfaction of one or more of the parties in conflict.

No less often than once each calendar month, the Conflict Resolution Advisory Committee shall update the parties in conflict about the status of the Conflict Resolution Advisory Committee's efforts until—

- A. the Conflict Resolution Advisory Committee has issued to the parties in conflict a recommended solution to the conflict; or
- B. the conflict is otherwise resolved by the parties in conflict; or
- C. the RRCA initiates the Member Accountability Process to further address the conflict.

The Conflict Resolution Advisory Committee will not provide legal assistance or legal opinions on matters related to the complaint. However, based on its findings, the Conflict Resolution Advisory Committee may, in appropriate cases, refer the parties in conflict to consult with their own legal counsel. Further, if the Conflict Resolution Advisory Committee finds that the actions of any party to the conflict may constitute a criminal offense, the Conflict Resolution Advisory Committee will notify law enforcement authorities of such actions and request further investigation. The RRCA, at its own discretion, may consult with the RRCA's retained legal counsel as a result of the Conflict Resolution Advisory Committee's findings. However, any information shared with the RRCA's legal counsel about the parties in conflict shall be treated as confidential to the RRCA.

7. Conflict Resolution Advisory Committee's Recommended Solution(s). The Conflict Resolution Advisory Committee shall provide the parties in conflict with written notice of any recommended solution(s) to the conflict by email and certified mail, return receipt requested. The RRCA, in working with the parties in conflict, may provide additional training and consultation to the Local Club's/Event's board of directors, as needed and/or requested, on the basis of the Conflict Resolution Advisory Committee's recommendation(s). Fees and associated travel costs for this service may apply and shall be borne by the party(ies) receiving such additional training and/or consultation.

The Conflict Resolution Advisory Committee's recommendation(s) shall be final and binding upon the parties in conflict, and such recommendation(s) shall not be appealable to either the Conflict Resolution Advisory Committee or the RRCA Board of Directors. At the conclusion of their participation in the CRP, the parties in conflict shall be subject to compliance with the RRCA's Membership Accountability Process in all matters relating to the Conflict Resolution Advisory Committee's recommendation(s).

8. Complainant's Commencement of Legal Action. Should the complainant, at any time during the pendency of the complainant's participation in the CRP, elect to file a legal action in a local, district, or federal court against an RRCA member in good standing, the complainant shall be deemed to be on notice that the RRCA favors the Local Club/Event and its officers and directors, as a governing body, over an individual. In any such case, in accordance with the RRCA's insurance program for RRCA members, legal counsel may, in the case of a directors and officers claim or liability defense claim, be appointed to represent the Local Club/Event in defense of the legal action brought by an individual against the Club/Event. Pursuant to the RRCA's insurance program for RRCA members, the individual filing the legal action is not entitled to legal counsel in such action through the RRCA or its insurance program.