



October 6, 2023

VIA EMAIL

Richard Jepsen, President, Board of Directors
Alan Ostfield, Chief Executive Officer
US Sailing
1 Roger Williams University Way
Bristol, RI 02809

Re: USOPC Investigation Report & Findings

Mr. Jepsen and Mr. Ostfield:

I write regarding the United States Olympic & Paralympic Committee's ("USOPC") investigation of the United States Sailing Association's ("USSA") compliance with the Ted Stevens Olympic & Amateur Sports Act ("the Act"), the USOPC Bylaws, the USOPC's National Governing Body ("NGB") Compliance Standards and accompanying Implementation Guide, and USSA's own policies and procedures.

The investigation examined issues relating to USSA's Olympic Operations (*i.e.*, its Olympic program) and whether the organization promotes a culture free from retaliation within the USSA elite athlete community and related activities in compliance with its obligations under the Act, the USOPC Bylaws, and other policies. Through interviews with current and former USSA Board and USSA Foundation Board members, staff, coaches, athletes, and community members, and review of relevant documents, the USOPC has concluded that USSA is meeting its statutory and other obligations as an NGB and that current USSA leadership has demonstrated a clear commitment to supporting athlete excellence and well-being, including incorporating athlete voice within the organization. As described further below, however, the investigation revealed areas where USSA's practices, while not immediately violative of its obligations, create risk for USSA in creating a culture free from retaliation and from fears of retaliation going forward. Accordingly, the USOPC is making several recommendations to assist USSA in addressing these risks and fulfilling its mission to provide leadership for the sport of sailing in the United States. While the USOPC will not require adoption of these recommendations, the USOPC expects that, to the extent USSA adopts them, its Board of Directors will appropriately monitor implementation.

In addition to issuing this confidential report of findings and related recommendations, the USOPC will also issue a Community Report, including a summary of these findings, to members of the USSA community.



PROCESS OF REVIEW AND ASSESSMENT

As you are aware, the USOPC's investigation began on April 10, 2023, when we notified current National Team athletes and select community members of the investigation and invited them to provide their perspective on the issues under review.

The USOPC interviewed 29 individuals, including current and former athletes, current and former USSA Board and USSA Foundation Board members, current and former coaches, and staff, and other USSA community members. To ensure proper representation of viewpoints, in addition to interviewing those who requested to speak with the USOPC, the USOPC randomly selected and solicited participation across interview groups. Eight current and former athletes either declined to be interviewed or did not respond to the USOPC's request for an interview.

To facilitate an open and honest discussion without fear of retaliation, the USOPC informed each interviewee that they will not be identified to the NGB and that their statements to the USOPC would not be attributed to them in any written report. The USOPC made an exception for staff members deemed not to have fully cooperated with the investigation.

While most current and former USSA staff were cooperative, the USOPC found that Sally Barkow and Kate Drummey were not entirely forthcoming about their interactions with the former Executive Director of US Olympic Sailing, Paul Cayard, and his conduct. Specifically, the USOPC believes that Barkow withheld information regarding her knowledge of athlete concerns during and after Cayard's departure, withheld information of her involvement and understanding of the actions by USSA's leadership and Cayard leading up to and after his departure and misrepresented her involvement in perpetuating the narrative established by Cayard and former USSA Foundation Board Chair, Bill Ruh, that a targeted Athlete Representative was to blame for Cayard's departure. Similarly, the USOPC believes that Drummey withheld information related to her sentiments towards Cayard and, as a result, downplayed the events leading to and surrounding his departure. The USOPC's assessment of these staff members' candor is based on other available evidence that contradicted their assertions. The USOPC notes that, based on other information received in the investigation, Drummey's hesitancy was likely due, in part, to her own fears of retaliation from members of the Sailing community, but the USOPC still was concerned by her lack of candor.

In making the below identified findings and corresponding recommendations, the USOPC accounted for volunteer bias (*i.e.*, the USOPC considered whether an interviewee may have a preconception, whether positive or negative, about one or more of the topics of review) and ensured any findings were supported by the available documentary evidence and/or corroborated by multiple sources. In addition to interviews, the USOPC reviewed materials



provided by witnesses, including emails, text messages, athlete agreements, recorded video meetings, and Board meeting minutes and materials.

To determine whether USSA implemented and employed appropriate procedures to collect and address athlete and other concerns and to ensure those who raise concerns may do so without fear of retaliation, the USOPC evaluated USSA's practices under the Ted Stevens Act¹; the USOPC Bylaws²; USSA's Bylaws³; and the USOPC's and USSA's Codes of Conduct⁴ and Whistleblower Policies and Procedures.⁵

In addition, as the investigation progressed, several athletes raised concerns about perceived favoritism and retaliation in the manner in which USSA's Olympic Operations staff allocated athlete resources, including coaching, access to training camps, and social media promotion. Accordingly, the USOPC evaluated these concerns and provides its findings and related recommendations below.

INVESTIGATION FINDINGS

At the conclusion of the investigation, the USOPC developed findings with respect to each of the topics of review. The USOPC's findings are summarized in the section below, which is followed by a section containing a series of recommendations.

I. Retaliation and Code of Conduct

The Act prohibits retaliation, defined as "any adverse or discriminatory action, or the threat of an adverse or discriminatory action"⁶ against a "protected individual," including athletes, coaches, and administrators affiliated with a national governing body, for raising concerns regarding physical, sexual, and emotional abuse.⁷ Under the Act, adverse action includes, but is not limited to, "removal from facilities, reduced coaching or training, reduced financial support, or removal from competition,"⁸ but more generally refers to any negative action taken against an individual.

The USOPC Speak-Up Policy further extends anti-retaliation protections to members of the Olympic and Paralympic community who raise any ethical, policy, or legal concerns in good

¹ 36 U.S.C. §220501 *et seq.*

² USOPC Bylaws, effective April 1, 2023.

³ USSA: Bylaws (Amended May 2023).

⁴ USOPC Code of Conduct and US Sailing Association Statement of Ethics and Code of Conduct.

⁵ USOPC Speak Up Policy, June 2021, and USSA Whistleblower and Anti-Retaliation Policy.

⁶ 36 U.S.C. §220501(b)(11).

⁷ *Id.* at §220501(b)(10).

⁸ *Id.* at §220501(b)(11).



faith.⁹ Under the USOPC’s policy, “no USOPC or NGB staff, Board/Committee member, or volunteer may threaten, harass, discriminate against, or take any negative employment or related action” against an individual for raising such concerns or for participating in an investigation of such concerns.¹⁰ Similarly, the USSA Whistleblower Policy bars “harassment, intimidation, adverse employment or livelihood consequences, or any other form of retaliation” against, among others, USSA athletes for making a good faith report of violations of the Act, the USOPC bylaws and policies, and the USSA bylaws, policies, and procedures or for “participating in any investigation by USSA or the USOPC.”¹¹

Moreover, the US Sailing Statement of Ethics and Code of Conduct (“USSA Code of Conduct”) requires that affiliated individuals, including USSA’s Board of Directors, employees, and members,¹² “maintain high standards of moral and ethical conduct, which includes self-control and responsible behavior,” and “refrain from any material or intentional . . . conduct . . . which is detrimental to the image or reputation of US Sailing.”¹³

Applying these standards, the USOPC investigated whether the former Executive Director of US Olympic Sailing, Paul Cayard, and the former USSA Foundation Board Chair, Bill Ruh, retaliated against one of USSA’s USOPC Athlete Representatives, by encouraging a donor to pull sponsorship funding from the athlete and publicly blaming the athlete for the Cayard’s departure and resulting fallout. Where the USOPC found retaliation against the athlete or others, the USOPC further reviewed whether USSA had effective procedures to collect and address concerns raised by athletes and staff that fall outside USSA’s grievance procedures¹⁴ that sufficiently protected the athlete and others from retaliatory conduct. The USOPC further reviewed whether Cayard and Ruh engaged in conduct violating their obligations as members under the USSA Code of Conduct by encouraging donors to pull their funding from USSA more generally.

Based on its review, the USOPC concluded that the weight of the evidence indicates that the Cayard and Ruh engaged in retaliatory conduct toward specific USSA athletes in response to those athletes’ raising concerns about USSA’s Olympic Operations. Moreover, the

⁹ Speak Up Policy, *supra* note 5.

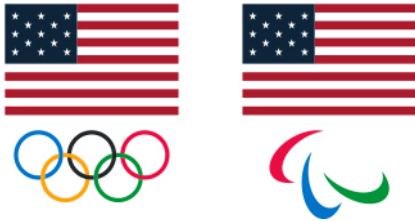
¹⁰ *Id.*

¹¹ USSA Whistleblower Policy, *supra* note 5.

¹² USSA Code of Conduct, Section 2(A)(1) (i, ii, and iv), *supra* note 4.

¹³ *Id.* at Section 7(v and x).

¹⁴ Formal grievance procedures satisfy the Act’s requirement that NGBs “provide procedures for the prompt and equitable resolution of grievances of its members.” 36 U.S.C. §220522(14). However, the grievance procedures referenced in the Act are typically reserved for more formal allegations of misconduct or policy violations and require a more formal review process. Athletes and other community members often have concerns that do not meet the threshold for pursuing the grievance process, but still raise concerns to be addressed by NGBs. Here, the USOPC determined that the concerns raised relating to USSA staff that preceded the retaliatory conduct most appropriately fall within this latter category.



investigation revealed that this conduct likely impacted the Sailing community more broadly because USSA did not have a formal process for collecting and addressing athletes' concerns regarding USSA staff in a manner that sufficiently protects reporters from subsequent targeting by individuals in the Sailing community. In addition, the USOPC found evidence that the Cayard and Ruh publicly disparaged USSA and undermined USSA's position with donors by attempting to divert donor money to a new venture with misleading representations that the new venture would be taking the place of USSA as a certified national governing body.

With respect to Cayard's and Ruh's conduct, and in accordance with its standard procedures, the USOPC will defer to USSA for a final assessment of the conduct and to determine any appropriate disciplinary action in accordance with the USSA Whistleblower and USSA Code of Conduct policies. While Cayard and Ruh are no longer employed by USSA, or serving in a governance position with USSA, respectively, to the extent they are members of USSA, they are required to "adhere to all applicable Bylaws and Regulations of USSA."¹⁵

To better understand how a deficit of formal procedures to collect and address concerns that fall outside the grievance process has worked against USSA's efforts to foster a healthy speak-up culture, the USOPC first provides here its findings with respect to the retaliatory conduct referenced above and then provides its analysis as to how, from that experience, USSA can better create a culture in which athletes and staff can report any concerns free of fear of retaliation.

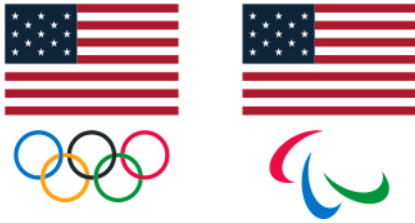
1. Factual Findings Relating to Retaliation and Code of Conduct

To provide context for the USOPC's findings, the facts identified by the investigation relating to this conflict are summarized below.

A. *Cayard's tenure as Executive Director of US Olympic Sailing*

With involvement from Bill Ruh, USSA hired Paul Cayard as the Executive Director of US Olympic Sailing in March 2021. Prior to accepting the role, Cayard was involved with USSA on a volunteer basis and was involved in the creation of Project Pinnacle, a strategic initiative to get Sailing back on the map in advance of LA2028. As a condition of his employment, Cayard negotiated a dual reporting line to both USSA's CEO and its Board of Directors. In his role, Cayard was responsible for overseeing the Olympic Operations program and assisting with fundraising.

¹⁵ US Sailing 2023 Contributing Memberships.



In the fall of 2021, several months after Cayard was hired, USSA's USOPC AAC Representatives informed USSA's Board of Directors of athletes' concerns regarding poor management of the Olympic team and a lack of communication to athletes regarding expectations, athlete funding, and team selections. While the USSA Board was receptive to these concerns, one USSA Board member reported to the USOPC that the USSA Board believed the concerns were the result of growing pains under the new Olympic training program Cayard had instituted. As a result, USSA leadership, including the CEO and USSA Board Chair, attempted to work with Cayard to address the issues but did not take any further action at that time.

Concerns escalated in early 2022 following debriefs about USSA's performance at the Tokyo Olympic Games. Initially in the fall 2021, despite numerous requests from athletes to hold a debrief, the Olympic Operations staff did not hold one. The first debrief was not held until February 2022. In the initial meeting, which included athletes and Olympic Operations staff, a video of which the USOPC obtained and reviewed, some of the Olympic Operations staff were dismissive of athlete concerns relating to the team's performance. At various points, heated exchanges occurred between Cayard and individual athletes. Athletes interviewed by the USOPC reported that, after the call, several athletes who participated in the call shared with other athletes their fears of losing their funding if they continued to raise concerns. One athlete reported that a few other athletes contemplated quitting the sport after the call. After the meeting, Cayard attempted to withhold funding from one athlete, accusing the athlete of breaching the athlete's obligations to USSA by the manner in which the athlete had raised concerns on the call. Ultimately, after discussions with other USSA leadership, Cayard abandoned those efforts.

Following the debrief, USSA's CEO and individual Board members, including the former Foundation Board Chair, Bill Ruh—who also sat on the USSA Board—tried to work with Cayard to address perceived weaknesses relating to operational support in the Olympic Operations program and to provide resources to improve. To do so, they held multiple meetings with Cayard, offered to provide mentorship from Board members, and suggested that Cayard hire a Director of Operations to assist with operational objectives (*e.g.*, employee relations, business negotiations, and logistics). Cayard mostly rebuffed this latter suggestion, promoting the coach leading the Olympic Development Program (“ODP”) into the role after some delay. While, by all accounts, the coach was a good fit with ODP, witnesses reported poorer performance in the operations role. One Board member reported their belief to the USOPC that Cayard made the promotion because he was unwilling to bring any outsiders into his team.

Throughout 2022, USSA's Athlete Representatives continued their attempts to gather athlete feedback through town halls with the Olympic Operations staff in attendance. In addition, the Athlete Representatives continued efforts to gain clarity on behalf of athletes



around the Olympic Operations high performance program, the organization of the Olympic Operations staff, and a means of measuring success of the program. The USOPC notes that collection of data, including athlete feedback, and dissemination of pertinent operational information is an important responsibility of NGB leadership. While not a specific responsibility of the Athlete Representatives, in the absence of the Olympic Operations staff performing these functions, the USOPC applauds USSA's Athlete Representatives' efforts to ensure that athlete feedback was regularly communicated to USSA's leadership and to advocate for the athlete population and its informational needs. According to witness interviews and the USOPC's own engagement with USSA during this time, however, Cayard and some members of the Olympic Operations coaching staff questioned the role of athlete voice within the US Olympic and Paralympic Movement generally and USSA specifically. According to several athletes and USSA Board members, Cayard at times was reluctant to engage in town halls with athletes, questioned the presence of Athlete Representatives on USSA's Board, and resisted efforts to share details around the Olympic Operations high performance program.

At the same time, in the fall of 2022, USSA adopted a new shared services model for budget allocation that required additional funds to be reallocated from the Olympic Operations budget to USSA's overall operating costs. Based on email correspondence reviewed by the USOPC and witness statements, Cayard viewed the change as taking funds he and Ruh personally raised specifically for Olympic Operations away from the program. As a result, Cayard informed the CEO and USSA Board Chair in January 2023 that he no longer would engage with any part of USSA outside the Olympic Operations program. Based on the USOPC's review, the dispute over the reallocation appears to have stemmed from Cayard's misunderstanding of how a shared services model works and how USSA adopted it. While the reallocation was likely an unfortunate development for the Olympic Operations program, based on the USOPC's review, it was the result of advice USSA received from its outside auditor and, as a result, USSA believed that this change brought USSA in line with how many other NGBs allocate budgets. The USOPC did not find evidence that reallocation was an attempt to unduly take funds Cayard had raised for the Olympic Operations program. The Olympic Operations program is not a separate entity from USSA, but instead a department within USSA, subject to the USSA Board and CEO's supervision and to the entire organization's budgeting and accounting needs.

Finally, throughout Cayard's tenure, USSA's leadership became aware of several staff concerns regarding interpersonal conflict between Cayard and other USSA staff. Specifically, several female staff members reported difficulties working with Cayard to USSA's CEO, CFO, and/or Human Resources Director. During Cayard's tenure, three of these staff members resigned.



B. Decision to restructure Cayard's role

As the dispute over the reallocation grew and USSA learned about rising tensions between Cayard and several staff, the USSA Board began reconsidering Cayard's role within USSA in December 2022. To do so, the USSA Board established a working group tasked with evaluating Cayard's role. To better inform the working group regarding athletes' perspectives, the USSA Board tasked the Athlete Representatives and another former athlete on the USSA Board to survey athletes. According to one USSA Board member, the Athlete Representatives had not fully shared the feedback they had been collecting throughout 2022 from athletes with the USSA Board before this point. To gather feedback, the three athlete members informally surveyed the National Team athletes. The feedback was collected and anonymously reported to the USSA Board and Foundation Board. Among other things, some athletes reported to the athlete Board members their belief that Cayard was not fit to lead the team effectively or had personality traits that fostered conflict with athletes. Alternatively, some athletes reported being afraid to speak up in fear of retribution.

In interviews with the USOPC, several athletes reported not understanding the purpose of the survey when they were contacted. In addition, several athletes informed the USOPC that they shared their personal concerns about Cayard but not their views of the program more generally. For example, in the USOPC's review, several athletes reported positive views of the Olympic training program implemented by Cayard, but, at the same time, negative views of Cayard's attitude and interpersonal skills when working with athletes. Based on information gathered through the USOPC's investigation, this mixed perspective does not appear to have been clearly communicated to the Athlete Representatives, which, in turn, meant it was not clearly communicated to the USSA Board. There was no evidence, however, that the athlete board members misled athletes in any way, ignored feedback, or tried to color it in a biased manner. Instead, the attempt to gain athlete perspectives for the USSA Board's review did not appear to be anything but well-intentioned. In any event, at least two members of the USSA Board reported that, while the athlete feedback was important, ultimately the USSA Board decided it was going to restructure Cayard's role regardless due to his conflicts with the USSA Board and other staff and organizational issues within the Olympic Operations program. Accordingly, the USOPC emphasizes that, while a part of the USSA Board's considerations, the investigation revealed that athlete feedback was certainly not the catalyst or primary driver of the USSA Board's decision with respect to Cayard's role.

Ultimately, the USSA Board determined that Cayard should continue in a fundraising-only role, a position in which several witnesses indicated he excelled. The USSA Board identified Ruh—a member of the USSA Board and the eight-person working group assigned to evaluate Cayard's role and who had a close relationship with Cayard—to communicate the restructure to Cayard.



On February 14, 2023, following assurances from Ruh that he informed Cayard of the USSA Board's decision to restructure his role, USSA leadership officially notified Cayard and provided information relating to the basis for the decision, including a timeline of events and issues. Despite USSA leadership's attempts to salvage the relationship, Cayard disputed some of the USSA Board's findings and refused to acknowledge any involvement in the Olympic Operations programs challenges.

Then, on February 24, 2023, via email and just prior to a scheduled meeting in which the USSA Board expected Cayard to share his decision on whether he would accept the role change, Cayard informed the USSA Board that he was unaware of the USSA Board's decision to restructure his role prior to receiving the USSA Board's February 14th email. Instead, the evidence reflected that Ruh had only prepared Cayard for the February 14th meeting by sharing that the USSA Board was upset and conspiring against him. In response, the USSA Board informed Cayard that he had to attend the February 24th scheduled meeting to discuss his new role, or the USSA Board would consider his lack of response/attendance as a resignation. Cayard did not attend the call and resigned the same day.

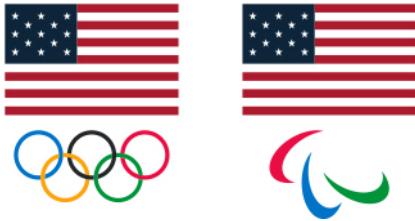
C. After Cayard's departure

Following Cayard's departure, USSA experienced significant turmoil, including financial upheaval and public disparagement of one of the USSA Athlete Representatives and of USSA. The evidence demonstrated that Cayard and Ruh contributed to this upheaval in several ways.

Specifically, following Cayard's departure, Ruh—who still held a USSA and Foundation Board seat at that time—took several actions against USSA and in support of Cayard. First, he lobbied other Foundation Board members to vote to separate the Foundation from USSA. Second, he threatened to withhold Foundation funds if USSA did not relinquish its NGB status. Finally, he held a vote of the Foundation Board to withhold funds, which failed. Ruh resigned a week after the failed vote.

In addition to Ruh's efforts, the evidence gathered in the investigation demonstrated that, after their departures, Ruh and Cayard each publicly disparaged USSA, publicly blamed one of USSA's Athlete Representatives for their departures, and/or lobbied specific donors to withhold funds from USSA.

First, the evidence demonstrated that Cayard attempted to and did influence USSA's most significant donor, John Kilroy, Chairperson and CEO of Kilroy Realty, in a conversation prompted by Cayard's departure. Kilroy was the primary sponsor of USSA and one of the Athlete Representative's personal sponsors. Although there was conflicting evidence as to what Cayard said directly to the donor, the available evidence reflected that, at the very least,



he made disparaging comments about USSA and the Athlete Representative knowing the weight and potential consequences they carried.

In addition to his conversations with donors, Cayard made several public statements disparaging USSA. In a statement posted to *Scuttlebutt News*, a popular sailing blog, on February 24, 2023, the day he resigned, Cayard stated, among other things, “Unfortunately, the current board of US Sailing recently restructured the Olympic Department, including my role as Executive Director. The new structure is not what I signed up for, nor something I am willing be part of.”¹⁶ He also insinuated an adversarial relationship with USSA, stating, “The relationship with US Sailing proved to be one that I could not cope with. It pains me to admit that as I did sail around the world twice and generally feel pretty capable of dealing with adversity.”¹⁷ Further, he highlighted significant fundraising accomplishments and team dynamics alluding to prior deficiencies within the USSA organization. Specifically: “Changing the processes, culture, and support for the [Olympic] Team is an extremely difficult task. . . . Raising two or three times the amount of money ever raised in the USA, to support the goal, is also a difficult task.”¹⁸ While not specifically stated, witnesses indicated their understanding that these comments related directly to Cayard’s displeasure with USSA leadership and the decision to transition to a shared services model.

A few days later and following Cayard’s conversation with Kilroy, Kilroy Realty informed USSA that it would no longer sponsor USSA and informed the Athlete Representative it would no longer sponsor the athlete. Kilroy Realty told USSA that financial turmoil in the commercial real estate market prevented the company from continuing its sponsorship; however, the evidence suggests this was not the real, or entire, reason for Kilroy ending its sponsorship and that the decision was due, in part, to Cayard’s departure and belief that the Athlete Representative was to blame.

Further, in the weeks after his departure, Cayard continued to publicly question USSA’s volunteer Board’s knowledge and expertise to run a sophisticated elite Olympic program, the continued turnover and reorganization within the NGB, and the USSA Board’s desire and passion for athletes.¹⁹ He also made public claims about additional coaching departures, claiming other coaches followed Cayard in resignation because “they simply did not believe in the reorganization promulgated by the Board.”²⁰

¹⁶ *Cayard Resigns from US Olympic Sailing*, SCUTTLEBUTT SAILING NEWS, <https://www.sailingscuttlebutt.com/2023/02/24/cayard-resigns-from-us-olympic-sailing/>, February 24, 2023.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *See Paul Cayard: Letting the Dust Settle*, SCUTTLEBUTT SAILING NEWS, <https://www.sailingscuttlebutt.com/2023/03/16/paul-cayard-letting-the-dust-settle/>, March 16, 2023.

²⁰ *See Id.*



In addition to Cayard, the evidence also demonstrated that Ruh took steps to publicly disparage one of the Athlete Representatives and direct any ire in the Sailing community relating to Cayard's departure toward the athlete. Two members of the Foundation Board informed the USOPC that, in the week after Cayard resigned, Ruh told them that the Athlete Representative had taken steps in the Boardroom to get rid of Cayard since, in Ruh's view, the athlete was not competitive. One also reported to the USOPC that Ruh claimed the targeted Athlete Representative was the only athlete who objected to Cayard. As noted above, this was false—something Ruh likely knew given his involvement in the USSA Board deliberations about Cayard. Finally, one of the Foundation Board members reported to the USOPC that Ruh objected to the involvement of currently campaigning athletes in Board matters and had repeated these sentiments to numerous donors of both USSA and the athlete. In addition to members of the Foundation Board, several athletes reported hearing “on the docks” that Ruh was spreading his views about the Athlete Representative and asserting the athlete was to blame for Cayard's departure.

The rumor mill that resulted from these actions has led to additional personal consequences for the athlete. According to several athletes, they personally—and the USOPC notes, mistakenly—believe the Athlete Representative is to blame for Cayard's departure and one athlete reported that the athlete has not been invited to social gatherings among team members as a result.

The evidence also demonstrated that Ruh made attempts to convince donors not to provide funding to USSA because of Cayard's departure. Several witnesses reported that Ruh stated to them that he was directing donors not to release pledges to USSA.

USSA did little to refute Cayard's and Ruh's statements to community members and the press regarding the athlete role in Cayard's departure or to clarify the reason for his departure. Indeed, in the USOPC's review of the available evidence, it appeared that USSA identified athlete concerns as the primary driver of the USSA Board's decision to restructure Cayard's role in the first place. To illustrate, several athletes informed the USOPC that they understood his departure to be related to athlete concerns but did not fully understand the USSA Board's decision or what specific concerns were at issue, while others thought Cayard left because he was unhappy with the USSA Board's decision to reallocate Olympic Operations program funding to restructure his role. Other athletes reported hearing that the Athlete Representative was responsible as they had raised athlete concerns to leadership in the past. Leadership did not, however, clarify that the Athlete Representative was not the sole—or even primary—responsible party for raising concerns. Athletes informed the USOPC that little information was provided to them beyond a vague decision to “restructure the team.” Without this clarity, rumors permeated the USSA community speculating about the details of Cayard's departure.



While several months have passed since Cayard's resignation, multiple witnesses reported that the rumor mill continues within the USSA community. Further, Cayard's and Ruh's efforts to undermine USSA appear to have only increased. The USOPC is aware of at least two efforts by either Cayard or Ruh to mislead potential USSA donors into believing Olympic Operations will be moving out of USSA. The USOPC believes their disparaging public statements summarized above were intended only to support this effort.

2. The Available Evidence Demonstrated that Paul Cayard and Bill Ruh Retaliated Against the Athlete Representative Because They Perceived the Athlete Representative to Be the Cause of Cayard's Departure

Based on information gathered in the investigation, Cayard's and Ruh's conduct toward the targeted Athlete Representative meets the definition of "retaliation" under the USOPC's Speak Up Policy and USSA's Whistleblower Policy.

First, the evidence reflected that Cayard and Ruh perceived the Athlete Representative as having contributed to and/or caused Cayard's forced resignation because, in their view, they reported to USSA's Board concerns regarding Cayard's implementation of USSA policies regarding resource allocation and athlete concerns regarding Cayard's treatment of athletes and management of Olympic Operations. In the USOPC's view, to the extent an athlete raised these concerns to the USSA Board, they are concerns relating to ethical and policy violations. As outlined above, it does not appear that the Athlete Representative was solely responsible for reporting athlete concerns to the USSA Board, and, moreover, it does not appear that the Athlete Representative was the catalyst for Cayard's resignation. However, the evidence demonstrates that Cayard and Ruh nonetheless identified the Athlete Representative as the responsible party.

Second, the evidence reflected that Cayard and Ruh took adverse action in response to their belief that the Athlete Representative reported ethical or policy concerns. Following Cayard's departure, the Athlete Representative experienced significant retribution because of Cayard's and Ruh's conduct. Most prominently, the evidence relating to USSA's most significant donor's conversations with Cayard and the Athlete Representative surrounding Cayard's departure demonstrates that Cayard disparaged the athlete for their involvement in his departure to a known donor of the Athlete Representative and USSA, with the apparent intention to harm both. As one of the Athlete Representative's most substantial donors, the donor's decision to pull funding from the Athlete Representative and their teammate subsequent to their conversation with Cayard was undoubtedly detrimental, as several athletes interviewed as part of the investigation noted the significant financial burden on athletes, with a cost of almost \$400,000, to run an Olympic campaign. The USOPC does not find it credible that Cayard did not understand the weight and likely consequences of his comments to the donor.



Therefore, the USOPC concluded that both courses of conduct constitute retaliation for what Cayard and Ruh perceived as the Athlete Representative's role in reporting concerns to the USSA Board. While the USOPC Speak Up Policy applies to NGBs, consistent with its standards procedures, the USOPC will defer to USSA to take any action it deems appropriate to address the finding of retaliation by Cayard and Ruh, to the extent they are members of the USSA or are otherwise subject to USSA's policies and procedures, in accordance with the USSA Whistleblower Policy.

3. Paul Cayard and Bill Ruh Encouraged Donors to Withhold Funds from USSA and Publicly Disparaged USSA.

As noted above, USSA's Code of Conduct bars members from engaging in "any material or intentional . . . conduct . . . which is detrimental to the image or reputation of US Sailing."²¹ Here, the evidence demonstrated that Cayard and Ruh both acted with intent to harm USSA's reputation.

Specifically, Ruh openly attempted to convince donors to withhold funds because of Cayard's departure. First-hand reports of Ruh's statements indicate that he did so by disparaging the Athlete Representative's role on the USSA Board. Moreover, at least two donors have reported to USSA that Ruh falsely claimed USSA's Olympic Operations was moving out of USSA and into AmericaOne, a competing organization with which Ruh and Cayard have aligned, to convince the donor to direct funding to AmericaOne instead of USSA.

The evidence also demonstrated that Cayard engaged in conduct aimed at undermining USSA's standing in the donor community. As described above, the circumstantial evidence of his conversation with USSA's most significant donor indicates that he made negative statements to the donor about USSA and the Athlete Representative's role on the USSA Board. In addition, in his public statements to *Scuttlebutt News*, Cayard made several statements detrimental to the reputation of USSA. Finally, the USOPC is aware of at least two instances in which Cayard has made misleading statements about AmericaOne's relationship to Olympic Sailing in an effort to obtain donors for AmericaOne.

Thus, Cayard's and Ruh's actions in publicly disparaging the reputation of USSA and directing donors to provide funding to AmericaOne, rather than USSA, intentionally harmed and continue to harm, the reputation and fundraising prospects of USSA, as donors now have or have considered pulling pledged donations from the organization. While Cayard and Ruh are no longer with the organization, to the extent they are still members of USSA, they are subject to the requirements of USSA's Code of Conduct. Therefore, in accordance with

²¹ USSA Code of Conduct Section 7(v and x), [supra](#) note 13.



its standard procedures, the USOPC will defer to USSA to make a final determination regarding Cayard's and Ruh's conduct and to take any action it deems appropriate in accordance with its policies.

4. The USSA Board's Reliance on Athlete Representatives to Gather and Share Concerns about Staff Members or Program Operations Does Not Provide Sufficient Protections Against Retaliation for Athlete Representatives.

Beyond Cayard's and Ruh's conduct, the USOPC found that USSA did not have a formal process to collect and address concerns about staff or an operational structure to effectively protect those raising concerns about staff from retaliation. In the absence of established reporting processes for collecting, documenting, and resolving concerns, the evidence showed that USSA's Board instead relied heavily on its Athlete Representatives, who also serve on the USSA Board of Directors, to gather and report athlete concerns about staff. In this instance, it required the Athlete Representatives to report staff concerns in a forum that included close associates of the very staff about which they were reporting.

A. *USSA did not have formal procedures for handling athlete concerns that fell outside USSA's grievance procedures.*

Athletes interviewed in the investigation consistently reported that there was no clear procedure for reporting concerns. Instead, athletes reported to the USOPC that they would take concerns regarding program management or staff conduct to whichever staff member or coach with whom they were closest or worked most frequently. Similarly, athletes reported that there was not a dedicated staff member responsible for reviewing and managing concerns. When prompted, few athletes could articulate how, or to whom, concerns regarding management should be reported or escalated.

Beyond the staff, some athletes noted that they could report concerns to the USOPC Athlete Representatives. However, several athletes were unsure about the Athlete Representatives' role in escalating and resolving concerns. This confusion also led some athletes to believe rumors that one of the Athlete Representatives was to blame for Cayard's departure, as they were not aware of the Athlete Representatives' designated role on the USSA Board and the USSA Board's direction to the Athlete Representatives to informally survey the athlete population about Cayard. Additionally, a small group of athletes were unaware of the Athlete Representatives' role altogether.

B. *The absence of procedures for reporting concerns made the targeted Athlete Representative the face of the decision to restructure Cayard's role.*



Without a formal reporting process to address concerns that fell outside the USSA grievance procedure, the Athlete Representatives, by conducting the survey and reporting back to the USSA Board, became the face of athlete concerns about staff to Cayard and Ruh. In this instance, it created a particularly difficult situation for one of the Athlete Representatives who was a currently competing athlete and had separate disagreements with Cayard's programmatic decisions.

Moreover, in the USOPC's view, the confusion among athletes about the purpose of the informal survey conducted by the Athlete Representatives and a retired athlete on the USSA Board likely resulted in different understandings among community members about how the athlete population viewed Cayard's performance of his role. As described above, many athletes had nuanced views of Cayard that, unfortunately, were not clearly communicated to the Athlete Representatives or the USSA Board because of the little information athletes had about the purpose of the survey. As a result, it appears that Ruh and Cayard, and some athletes wrongly concluded that the Athlete Representatives had somehow manipulated athlete feedback to get rid of Cayard. Ruh's and Cayard's ire was directed significantly on the currently competing Athlete Representative likely because of the currently competing Athlete Representative's objection to certain resource allocations to a competing team and the fact that Ruh and Cayard previously voiced objections to currently competing athletes being involved in governance.

To better insulate Athlete Representatives—particularly competing athletes—from similar situations in the future, the USOPC will make three recommendations to USSA: first, that USSA clarify the reporting procedures within USSA for both athletes and staff when they have concerns outside the formal grievance process; second, that USSA clarify the role of the Athlete Representatives to its elite athletes; and third, that USSA identify an objective individual on staff (*i.e.*, the Staff Counsel and Compliance Manager) responsible for collecting, reviewing, responding to, and reporting up concerns about specific USSA staff.

5. The Lack of Clarity Surrounding Paul Cayard's and Bill Ruh's Departures Led Other Members of USSA to Fear Retaliation for Raising Concerns.

Finally, the evidence showed that USSA did little to communicate the circumstances surrounding Cayard's departure and did not respond to the narrative created by and pushed by him and Ruh amongst the USSA community that the Athlete Representative was to blame, which led other members of USSA to fear retaliation for raising concerns. Several athletes reported to the USOPC that they had seen what happened to the Athlete Representative and did not want the same to happen to them.

Therefore, to provide an environment in which athletes and staff are comfortable raising concerns and to insulate Athlete Representatives from retaliation for raising concerns to



leadership on behalf of the athletes, the USOPC will recommend that, if USSA experiences the departure of a contentious staff member again, USSA provide clear and broad communication with athletes and staff regarding the departure, balancing any confidentiality requirements with respect to employment-related issues.

II. Favoritism

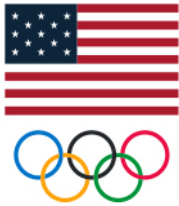
During the investigation, several athletes raised concerns about potential favoritism by the current Head of Operations of USSA and the former Olympic coaches—all of whom reported to Cayard during his tenure—in the allocation of athlete resources and social media coverage. Since favoritism toward one athlete can sometimes result from retaliation against another, or vice versa, the USOPC reviewed the allegations to determine whether USSA gave undue preferential treatment to certain athletes for reasons unrelated to merit.

Specifically, some athletes alleged that some members of the Olympic Operations staff favored athletes who followed the squad training approach, a training methodology implemented by Cayard. According to these athletes, those who did not want to, or felt it was not in their best interest to, participate in the squad training approach were not provided the same or similar funding for coaches, coach access to USSA training camps, coach boats at competition, or recognition on social media.

As an initial matter, USSA's 2023 athlete agreement expressly denies funding for personal coaches. Aside from this, the agreement is silent on the other resources about which athletes raised concerns. Absent a written policy or agreement to the contrary, there is no prohibition on establishing a policy that provides certain benefits to athletes who meet established requirements (*i.e.*, utilizing the squad coaches), provided the policy does not unfairly discriminate against athletes on prohibited grounds—for example, race or gender, or retaliate against them for reporting ethical, legal, or policy violations.

Here, the evidence demonstrated that, while not formally documented, the Olympic Operations staff did establish and follow a procedure regarding access for personal coaches to attend training camps or to utilize coach boats at events. These procedures relied on, with respect to the former, factors such as concerns about sharing confidential training information with coaches who also may work with athletes from competing countries, and, with respect to the latter, giving priority to squad coaches if boat space was limited.

Moreover, while not formally documented, the evidence demonstrated that, under Cayard, USSA's communications and Olympic Operations staff developed and followed a communications plan for recognizing athletes on USSA social media sites under which athletes participating in Cayard's squad training approach would be prioritized.



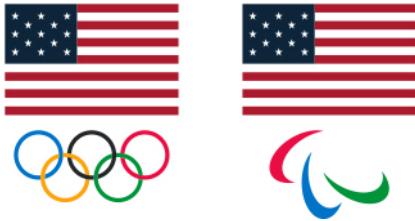
In the USOPC's view, all these criteria for allocating resources were legitimate programmatic choices that the USOPC will not second-guess. Nevertheless, although the USSA Olympic Operations staff's resource allocation approach does not appear to have been the result of undue favoritism, it does not appear to have been clearly communicated to athletes. No one could identify or provide written allocation criteria for most of the above-described resources that had been communicated to athletes and athletes did not appear to know that decisions regarding social media were made based on an athletes' participation in the squad training approach. Indeed, while one communications staff member told the USOPC there was a written copy of the communications plan, USSA was unable to find one.

Therefore, to avoid future perceptions of favoritism, the USOPC will recommend that USSA consider formalizing the qualification requirements and allocation process for coach resources in a written policy and publish and explain to athletes the available resources. Similarly, to the extent that USSA continues to develop a communications plan to articulate the Olympic Operations' social media strategy, USSA should consider publishing the policy and explain to athletes the criteria for being recognized on social media.

RECOMMENDATIONS

The USOPC is responsible for ensuring that NGBs are fully complying with their obligations under the Act, the USOPC Bylaws, the NGB Compliance Standards, and other relevant policies and procedures. Consistent with its authority, the USOPC limits the imposition of required remediation to only those requirements expressly articulated in these authorities. Since the USOPC found that USSA is satisfying its compliance obligations, the USOPC is not requiring any reforms at this time. However, during the investigation, the USOPC identified recommendations to address the specific impediments described above, which the USOPC found are, or may be, interfering with the creation and maintenance of a culture that effectively supports athletes. The recommendations are meant to help USSA to rebuild trust between leadership and its elite athlete community and to ensure that similar situations do not recur. Moreover, they are aimed at ensuring USSA avoids any risks to its obligations under the above-listed authorities in the future, particularly with respect to whistleblower protections and anti-retaliation requirements.

Because recommendations do not immediately implicate USSA's certification requirements, the USOPC will not require that USSA demonstrate its implementation of them to the USOPC. The USOPC expects, however, that the USSA's Board of Directors and leadership appropriately consider the recommendations and that the USSA Board of Directors monitor implementation of adopted recommendations in accordance with its responsibility to oversee organizational operations.



Recommendations Relating to Retaliation & USSA Code of Conduct

Recommendation No. 1: NGBs are responsible for ensuring alleged misconduct among its membership is appropriately addressed. Since the USOPC has found that Cayard and Ruh retaliated against the Athlete Representative and encouraged donors to withhold funding and publicly disparaged USSA with the intent to harm USSA, and to the extent that both are current USSA members, the USOPC recommends that USSA review this conduct in accordance with its policies and take any action it deems appropriate pursuant to them.

Recommendations Relating to Reporting Processes & Communication

The investigation revealed that USSA did not have a formal process for collecting and addressing concerns outside the USSA grievance process, which impeded USSA's ability to effectively insulate Athlete Representatives from retaliation for raising concerns to leadership on behalf of athletes. Therefore, to better insulate Athlete Representatives—particularly currently competing athletes—from similar situations in the future, the USOPC recommends the following:

Recommendation No. 2: USSA should establish a formal process to collect and address concerns raised by both athletes and staff that fall outside the formal grievance process. As part of the procedure, USSA should identify an objective individual on staff (for example, the Staff Counsel and Compliance Manager) responsible for collecting, reviewing, responding to, and reporting concerns about USSA staff. If the USSA Board requires athlete feedback about staff who are involved in the Olympic Operations program or who have other roles that impact athletes, it should use the designated staff member to gather that feedback.

Recommendation No. 3: USSA leadership should clarify for its elite athlete community the role of the Athlete Representatives on the USSA Board.

Recommendation No. 4: To insulate Athlete Representatives from retaliation for raising concerns to leadership on behalf of athletes, USSA should provide clear and broad communication with athletes and staff regarding the departure of any contentious staff or volunteer while being mindful of confidentiality, should the organization experience similar circumstances again.

Recommendations Relating to Perceptions of Favoritism

The investigation revealed that the USSA Olympic Operations staff's failure to communicate resource allocation and social media recognition criteria contributed to a perception of undue favoritism in USSA decision making. To avoid these perceptions, the USOPC recommends the following:



Recommendation No. 5: USSA should consider formalizing the allocation process for coach resources in a written policy and publish and explain to athletes the available resources provided and the qualification requirements to receive these resources.

Recommendation No. 6: To the extent that USSA continues to develop formal communication plans to articulate the Olympic Operations' social media strategy, USSA should consider publishing the policy and explaining to athletes how USSA will identify athletes for recognition in the media and on USSA social media sites.

CLOSING

The USOPC appreciates USSA's cooperation with the investigation and prompt attention to these matters. It is our belief that through identifying the issues outlined in this letter, USSA can take additional action, beyond the steps already taken through the course of the investigation, to continue to improve the organization and to rebuild trust with its athletes and community members. The USOPC Compliance team is available to provide guidance and to assist USSA with implementing these recommendations, if adopted.

We also request that, to protect the confidentiality of the participating individuals, you consider limiting the circulation of this letter to only those who have a need to know.

If you have any questions, please do not hesitate to reach out.

Sincerely,

Heidi M. Roche

Heidi M. Roche
Sr. Compliance Investigator

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