

**INVESTIGATOR REPORT REGARDING MARCH 21, 2017 GRIEVANCE
BY WAYNE AND MARIE CROWDER AGAINST DAPHNA LOCKER**

**Investigator: Michael Murphy
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to clarify reasoning in Section IV.3 and to correct
typographical and formatting issues.**

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I. Introduction:

On March 21, 2017, Mr. Wayne Crowder and Mrs. Marie Crowder, filed a formal grievance against Ms. Daphna Locker. The Crowders' grievance alleges two reports prepared by Ms. Locker in her role as DanceSport Official at the 2017 Mid-Atlantic Championships falsely stated they had colluded to set the marks for a couple competing in the Adult Standard Final. The Crowders also allege that Ms. Locker's reports were improperly published before an investigation had begun, without any evidence to substantiate the complaint against them, and in violation of professionalism and confidentiality obligations set forth in the USA Dance Code of Ethics.

On October 3, 2017, an investigator was appointed by the President of USA Dance. The investigation began with a review of the written record, and telephonic interviews were conducted from October 17 through November 1, 2017. This report details the results of the investigation into the Crowders' grievance. The investigation focused on three specific areas:

- 1) Whether the allegations contained in Ms. Locker's report regarding Mr. and Mrs. Crowder were supported by any evidence.
- 2) Whether the allegations in Ms. Locker's report accurately reflected the complaint alleged against Mr. and Mrs. Crowder.
- 3) How the allegations in Ms. Locker's report became distributed outside of the DanceSport Council and the DanceSport Officials.

The investigation included an examination of the documentary record including email communications and public written comments, a review of the USA Dance Rulebook and Code of Ethics in place at the time of the 2017 Mid-Atlantic Championships, and telephonic interviews with Mr. and Mrs. Crowder, Ms. Daphna Locker, Mr. Ronen Zinshtein (the person making the original complaint against Mr. and Mrs. Crowder), and other potential witnesses to issues raised in this report. The investigator's recommendations regarding the three points identified above and ancillary issues raised during the investigation are set forth at the end of this report.

II. Summary of Results:

The investigation uncovered the following:

- 1) There is no evidence to support the allegation that Mr. Crowder told Mrs. Crowder how to mark a couple in the final of the Adult Standard event. To the contrary, a written letter by Ronen Zinshtein (which was attached to Ms. Locker's March 14 DSO Report) admits that Mr. Zinshtein did not hear Mr. Crowder tell Mrs. Crowder how to mark any couples, and only states that he saw them speak with each other during an injury break, and that in his opinion this gave an improper perception.
- 2) There is evidence to support that Ms. Locker's March 13 DSO Report accurately reflects how Mr. Zinshtein's allegations were communicated to her. Ms. Locker stated in her interview that Mr. Zinshtein's allegations were relayed to her by Mr. Dan Calloway, the Chair of Adjudicators, and the March 13 DSO Report strongly reflects the allegations as Mr. Calloway stated them during his interview.
- 3) Ms. Locker's revised March 14 DSO Report does not accurately reflect the allegations in Mr. Zinshtein's letter detailing his complaint against Mr. and Mrs. Crowder. The March 14 DSO report attaches a letter from Mr. Zinshtein. This letter states that Mr. Zinshtein did not hear Mr. Crowder tell Mrs. Crowder how to mark a couple, only that he saw them speak to each other during an injury break. During her interview, Ms. Locker stated that she had read the letter before submitting the March 14 DSO Report but could not explain why March 14 DSO Report contained allegations that were contrary to Mr. Zinshtein's letter.
- 4) There is evidence showing that the allegations in Ms. Locker's March 13 DSO Report were first distributed beyond the DanceSport Council and DanceSport Officials by Mr. Todd Kirrane when he sought to exclude at least one adjudicator from panels that would be judging his son at the 2017 National Championships through an informal process.¹ While Mr. Kirrane's informal request was ultimately rejected by the Chairs of Adjudicators, his email request – which also referred to the unsubstantiated allegations regarding Mr. and Mrs. Crowder – came to Mr. Crowder's attention.

¹ Mr. Kirrane was a member of the DanceSport Officials in March 2017 and received access to Ms. Locker's report through this position.

III. Factual Background:

1. 2017 Mid-Atlantic Championships

On February 18, 2017, the Mid-Atlantic Championships held its Adult Open Standard Championship event. Among the adjudicators of the event were Marie Crowder and Ronen Zinshtein. During the event there was an accident which resulted in the competition being suspended for approximately 5 minutes. While the dancing was suspended, Marie Crowder spoke with Wayne Crowder, her husband, who was also an adjudicator at the competition. When asked about this conversation, Mrs. Crowder explained that many of the judges were asking each other if they had seen what had happened, and that she had asked Mr. Crowder this same question. Mr. Crowder responded that he had not seen the accident. After the break, dancing resumed with all couples in the event, the event proceeded through completion of the semi-final and final rounds, and results were announced that evening.

On the morning of February 19, 2017, Mr. Zinshtein approached the Chair of Adjudicators, Daniel Calloway to make a complaint regarding Marie Crowder. Mr. Zinshtein reportedly informed Mr. Calloway that when the accident occurred, Mrs. Crowder approached Mr. Crowder because their preferred couple was injured and that the two of them then discussed how to score the couples in the final. If true, this would be a violation of Rule 6.6.1 which states “Adjudicators shall make independent evaluations and markings without consultation or discussion of Athletes' performance(s).” Mr. Zinshtein also reportedly told Mr. Calloway that if Mr. and Mrs. Crowder had not conspired to set scores for the final, then Mrs. Crowder was incompetent and should not be judging because she had given the second-place couple (who Mr. Zinshtein coaches) placements of 4, 2, 4, 4, 2 in the final. In Mr. Zinshtein’s view, Mrs. Crowder’s marks resulted in the couple he coached not winning the event, and he reportedly told Mr. Calloway that Mr. and Mrs. Crowder should not be judging his couple at the 2017 National Championships. Mr. Calloway informed Mr. Zinshtein that if Mr. Zinshtein wished any action to be taken, he should file a formal complaint as set forth in the DanceSport Rulebook.

2. The DanceSport Official Reports

It is unclear whether Mr. Zinshtein notified Ms. Locker of his concerns at the Mid-Atlantic Championships. Mr. Zinshtein stated that he spoke with Ms. Locker at the event, Ms. Locker, however, claims that she did not speak with Mr. Zinshtein regarding his allegations against the Crowders at the competition, and only spoke with Mr. Calloway. In any event, Ms. Locker prepared a DSO report regarding the Mid-Atlantic Championship. This report was circulated by email on March 13, 2017, by Mr. Todd Kirrane, a member of the DanceSport Officials. The March 13 DSO Report stated:

There was an allegation of biased marks that was alleged to occur during the Championship Ballroom event when 2 judges discussed the marks that one judge was to give to a couple. This was alleged to have occurred between Marie &

Wayne Crowder where Marie was observed to discuss with Wayne how she should mark a couple. The second place couple lost the first place by 1 mark. I am still waiting for an official complaint of this allegation.

The DSO report identified Mr. and Mrs. Crowder as allegedly discussing marks to give a couple, but did not identify the complainant, and noted that an official complaint had not been made. Under the DanceSport Rulebook, Mr. Zinshtein had 10 days within which to file an official complaint, *i.e.*, until February 28, 2017. Thus, when Mr. Kirrane circulated the March 13 DSO Report, the time to file a formal complaint had already expired by nearly two weeks.

The DSO report is typically circulated to the organizer of the competition. Because the allegations against Mr. and Mrs. Crowder were not substantiated with either a witness statement or a formal complaint, the Chair of the DanceSport Council's Competition Committee, Roger Greenawalt, asked Ms. Locker to revise the report to anonymize the allegations. Later that same day, March 14, Ms. Locker distributed a revised report which stated:

There was an allegation of biased marks that was alleged to occur during the Championship Ballroom event when 2 judges discussed the marks that one judge was to give to a couple. The second place couple lost the first place by 1 mark. I am still waiting for an official complaint of this allegation. Please see attached letter of complaint at the end of this report.

Ms. Locker attached a letter from Mr. Zinshtein to this March 14 DSO Report, and referred to the letter as a "formal complaint from Ronen [Zinshtein] regarding judging at Mid-Atlantic."

3. Mr. Zinshtein's Complaint

The "formal complaint" from Mr. Zinshtein consisted of an undated and unsigned letter.² The written letter, significantly differed from what Mr. Zinshtein had reportedly relayed to Mr.

² Under the Rulebook, Mr. Zinshtein had 10 days within which to file an official complaint; February 28, 2017. Furthermore, the complaint must be signed, and "must specify the full name, address and contact details of the complaining person or persons and must agree in writing to give evidence of the complaint to be cross examined on that evidence." (Rule 8.6.2.2.) The letter forwarded by Ms. Locker failed all these requirements. It is unclear when Mr. Zinshtein sent his letter to Ms. Locker. In his interview, Mr. Zinshtein claimed he sent his letter to Ms. Locker, Mr. Calloway, and USA Dance by February 26, 2017. However, when Mr. Zinshtein was asked to provide a copy of the email containing the letter so it could be verified that it had been timely sent, he responded that he typically deletes old email. During her interview, Ms. Locker located an email with the letter from Mr. Zinshtein and she stated that it had been sent to her on March 14, 2017 and that she was the only recipient. Ms. Locker also stated that she may have prompted Mr. Zinshtein to send the letter by telling him that if he did not send a letter no action could be taken, but she was uncertain on this point.

Calloway, and differed from what was set forth in both the March 13 and March 14 DSO Reports. The letter stated that Mr. and Mrs. Crowder had spoken during the injury break in the standard event, but admitted that Mr. Zinshtein “can’t say what [Mrs. Crowder] asked as I was not the third ear, but the perception of it was very wrong, not to mention the timing of the action and speed with which it was done.” Thus, Mr. Zinshtein’s written complaint did not substantiate an allegation that Mr. and Mrs. Crowder had discussed the marks that one judge was to give a couple in the final. It merely alleged that Mr. and Mrs. Crowder had spoken to each other during a break in the competition.

Mr. and Mrs. Crowder do not deny speaking to each other during the injury break. Mrs. Crowder stated that she asked Mr. Crowder if he saw the accident, she also stated that many judges were asking each other if anyone had seen the accident. In his interview, Mr. Zinshtein stated that he saw Mrs. Crowder “rush” over to Mr. Crowder after the accident and that he did not see any other judges speak with each other during the break. Mr. Calloway, however, stated that he was intermittently in the judges’ area during the injury break, that several judges spoke with each other, and that “the injury would have been a popular topic under those conditions.” Mr. Calloway also noted during his interview, that it is not against the DanceSport Rulebook for adjudicators to speak with each other.³

Mr. Zinshtein’s letter also alleged that if Mrs. Crowder’s marks of 4,2,4,4,2 were not “game manipulation,” then they were evidence of incompetence. However, only 4 weeks before, the same couple had competed at the Manhattan Amateur Classic where they placed second overall, were separated from the third-place couple only as a result of Rule 10, and received marks for 4th and 5th from several judges.⁴ When asked about the difference in his reaction to the marks at the Manhattan Amateur Classic versus the marks at the Mid-Atlantic Championships, Mr. Zinshtein responded that the level of dancing in the Manhattan Amateur Classic Adult Standard event was higher than at the Mid-Atlantic Adult Standard event, and that it was this couple’s first time on the floor so they were new to the adjudicators. In Mr. Zinshtein’s view, the top 4 or 5 couples at the Manhattan Amateur Classic were very close in level, while at the Mid-Atlantic Championships he viewed only the top 3 couples as close in level (and therefore questioned how Mrs. Crowder could mark his couple 4th in three dances).

Mr. Zinshtein’s letter also alleged that during the Mid-Atlantic competition Mr. Crowder stated to him “we can’t divide this organization to Russian and American,” which Mr. Zinshtein took as

³ This point is actually unclear, the DanceSport Rulebook states “[d]uring the course of a competition, the adjudicators on the judging panel shall ... [c]oncentrate on judging only and not have any communication with the audience, fellow adjudicators or couples and not do anything that might distract him/her, including the use of any electronic device, except for scoring the competition[.]” But, this is provided as a “framework” and in reality adjudicators frequently speak to each other during breaks in a competition.

⁴ Wayne Crowder was on the panel at the MAC and did not mark this couple below 3rd in any dance.

an offensive ethnocentric comment, and that Mr. Crowder was calling him “Russian” and stating that the “American” contingent must stand together. Mr. Crowder denied making this comment. Mr. Crowder further stated he would not have called Mr. Zinshtein Russian because he believes Mr. Zinshtein is an American citizen, and that he knew Mr. Zinshtein was of Israeli heritage because Mr. Crowder had filed the paperwork to transfer Mr. Zinshtein’s WDSF credentials from the Israeli dancesport body to the U.S. dancesport body.

Finally, Mr. Zinshtein’s letter requested that USA Dance look into his allegations because, in his view, Mrs. Crowder’s marks were “either lack of knowledge or game manipulation” and he requested that Mr. and Mrs. Crowder be “remove[d] from events” where “world representatives are chosen.”⁵

4. Publication of the Allegations Against Mr. and Mrs. Crowder

On March 13, 2017, Mr. Kirrane sent an email to Ann Durocher, the person overseeing the organization of the 2017 National Championships, and Mr. Calloway, a Co-Chair of Adjudicators for the National Championships, where he “officially request[ed] that [an adjudicator] not judge any event in which [Mr. Kirrane’s son] is dancing.” The basis of Mr. Kirrane’s request appears to have been what Mr. Kirrane perceived as personal animus between the adjudicator and Mr. Kirrane, and Mr. Kirrane believed the adjudicator may give his son unfavorable marks because of this animus.

On March 14, Mr. Calloway responded to Mr. Kirrane. Mr. Calloway stated that while he believed that there may indeed be personal animus between the adjudicator and Mr. Kirrane, it was “unprecedented in [Mr. Calloway’s] experience to pre-judge officially how a judge will mark based on personal feelings.” Mr. Calloway’s email included Mr. Kirrane, Ms. Durocher, Mr. Sami Yli-Piipari (Co-Chair of the 2017 National Championships), and another DanceSport Official. Mr. Kirrane disagreed with Mr. Calloway, and later that day sent another email requesting removal of the adjudicator. This email also stated, “this is very similar to what happened at Mid-Atlantic with Wayne/Marie and Ronen’s couple for [sic] which you and the DSO assigned to the competition flagged in your reports.”

In an email regarding Mr. Kirrane’s request, Mr. Calloway commented “I receive requests to keep judges off a particular panel occasionally and reject all of them without higher approval. Manipulation requests of this year's Nationals panels is the most serious I have ever seen[.]” Mr. Yli-Piipari commented to Mr. Calloway and Ms. Durocher, “I am surprised about Todd's request and I find it troubling. Are we really starting to accommodate requests like this? I don't know the

⁵ On March 27, 2017, the DanceSport Council responded to Mr. Zinshtein’s complaint. The DSC’s response pointed out that Mr. Zinshtein’s March 14 complaint failed to meet the procedural requirements of Rule 8.6.2.1 and 8.6.2.2 to be recognized as a formal complaint. Nevertheless, the DSC also addressed the primary concerns addressed in the complaint and specifically identified the lack of evidence regarding any allegedly improper communications between Mr. and Mrs. Crowder.

history or the previous procedures but when considering this request and using a larger international framework, this is not usual.” Mr. Yli-Piipari had also requested Mr. Crowder’s advice regarding Mr. Kirrane’s request to remove an adjudicator through an informal email procedure. (Crowder Complaint, p. 2.) During these communications, Mr. Yli-Piipari informed Mr. Crowder that there apparently was also a question regarding Mr. and Mrs. Crowder “due to something that happened at the Mid-Atlantic.” (Crowder Complaint, p. 2.)

After hearing from Mr. Yli-Piipari, Mr. Crowder contacted the Chair of the DanceSport Council’s Competition Committee, Mr. Roger Greenawalt, and requested a copy of the complaint against him and Mrs. Crowder. Mr. Greenawalt explained that no official complaint had been received, but provided him with a copy of the March 13 DSO Report. Later that day Ms. Locker sent her March 14 DSO Report with Mr. Zinshtein’s letter attached, this too was provided to Mr. and Mrs. Crowder.

5. Grievance by Mr. and Mrs. Crowder

On March 21, 2017, Mr. and Mrs. Crowder filed a formal complaint against Ms. Locker.⁶

The complaint alleges Ms. Locker violated the USA Dance Code of Ethics when she circulated the March 13 DSO Report because the report allegedly used unsubstantiated accusations to defame and libel Mr. and Mrs. Crowder and that the accusations should not have been included in her report because no official complaint had been received from Mr. Zinshtein when the March 13 DSO Report was circulated. The complaint against Ms. Locker further alleges Ms. Locker violated the USA Dance Code of Ethics when she attached Mr. Zinshtein’s letter to the March 14 DSO Report because Ms. Locker, as a DanceSport Official for USA Dance, should have known the letter did not comply with the Rulebook requirements for a formal complaint.

USA Dance initially convened a hearing panel as set forth in Bylaw Article III, F. 4. Ms. Locker objected to the institution of a hearing panel, and instead requested the complaint be addressed under Bylaw Article III, F. 7. Per this bylaw, the parties were first encouraged to attempt to resolve the dispute informally. These attempts at an informal resolution continued up through late-August/ early-September of 2017. On August 31, 2017, Ms. Locker was asked whether she accepted Mr. and Mrs. Crowder’s proposed resolution, had a counter-proposal, or believed informal resolution would not occur. On September 3, Ms. Locker objected that the process had taken too long and demanded the Crowders’ complaint be dismissed. It was pointed out to Ms. Locker that there is no specific time limit in the Bylaws for informal resolution of grievances and Ms. Locker was again asked whether she had a counter-proposal to Mr. and Mrs. Crowder, or if in her view informal resolution was not viable. On September 24, 2017, Ms. Locker rejected the proposal from Mr. and Mrs. Crowder without making a counter-proposal.

⁶ On March 23, 2017, Mr. and Mrs. Crowder filed a similar complaint against Mr. Zinshtein, but have since allowed that complaint to go dormant.

IV. Results of Investigation:

1. Veracity of the Allegations in DSO Reports

There is no evidence to support the allegations against Mr. and Mrs. Crowder in the DSO Reports.

The March 13 DSO Report states:

There was an allegation of biased marks that was alleged to occur during the Championship Ballroom event when 2 judges discussed the marks that one judge was to give to a couple. This was alleged to have occurred between Marie & Wayne Crowder where Marie was observed to discuss with Wayne how she should mark a couple. The second place couple lost the first place by 1 mark. I am still waiting for an official complaint of this allegation.

The March 14 DSO Report states:

There was an allegation of biased marks that was alleged to occur during the Championship Ballroom event when 2 judges discussed the marks that one judge was to give to a couple. The second place couple lost the first place by 1 mark. I am still waiting for an official complaint of this allegation. Please see attached letter of complaint at the end of this report.

Both reports state “2 judges discussed the marks that one judge was to give to a couple.” There is no evidence to support this statement. On the contrary, the letter from Mr. Zinshtein acknowledges that he did not hear what was discussed by Mr. and Mrs. Crowder and expressly states, “I can’t say what [Marie] asked as I wasn’t the third ear[.]”

Furthermore, to the extent, Mr. Zinshtein believed that Mr. and Mrs. Crowder favored the couple that won the standard competition, the score sheets in fact show that Mrs. Crowder gave that couple marks of 2, 3, 2, 3, 3, and gave all first-place results to the couple that placed third overall.⁷

2. Accuracy of the Allegations in the DSO Reports

Beyond whether the allegations against Mr. and Mrs. Crowder were supported by evidence, there is also the question whether the DSO Report was an accurate reflection of Mr. Zinshtein’s allegations as relayed to Ms. Locker.

⁷ In his interview, Mr. Zinshtein stated he viewed the top 3 couples at Mid-Atlantic as all very close in level. Furthermore, the third-place couple from Mid-Atlantic missed winning the 2017 National Championship by a single mark in the quickstep.

The allegations in the March 13 DSO Report are very similar to the description of the allegations that were made by Mr. Zinshtein to Mr. Calloway. Mr. Calloway related that after Mr. Zinshtein approached him, he instructed Mr. Zinshtein to file an official complaint. In his interview, Mr. Zinshtein stated that he spoke with both Mr. Calloway and Ms. Locker, and told them that he was concerned about the *perception* created by the conversation between Mr. and Mrs. Crowder. He also stated that Mr. Calloway or Ms. Locker may have misunderstood him at the Mid-Atlantic Championships if they perceived his comments as stating he had actually heard what Mr. and Mrs. Crowder discussed. Ms. Locker denies that she spoke with Mr. Zinshtein regarding his allegations at the Mid-Atlantic Championships, and further stated that the description in her report was what she had received from Mr. Calloway. The similarity between Mr. Calloway's account of Mr. Zinshtein's allegations and the DSO report suggests the March 13 DSO report accurately reflects the description of Mr. Zinshtein's allegations either as she received them from Mr. Calloway or from Mr. Zinshtein.

The allegations in the March 14 DSO Report are very different from the written allegations in Mr. Zinshtein's letter. The March 14 DSO Report was circulated after Mr. Zinshtein's letter was received. In her interview, Ms. Locker stated that she reviewed the letter from Mr. Zinshtein before she circulated the March 14 DSO Report, and that she modified the DSO report to anonymize that the complaint was against Mr. and Mrs. Crowder. However, the March 14 Report continued to allege that "2 judges discussed the marks that one judge was to give a couple." The letter from Mr. Zinshtein does not support this allegation. Thus, the evidence shows that the March 14 DSO Report was not an accurate reflection of Mr. Zinshtein's written allegations as set forth in his letter.⁸

3. Application of the USA Dance Code of Ethics to the DSO Reports

In their grievance, Mr. and Mrs. Crowder take the position that the DSO Reports should not have contained unsubstantiated allegations because the date for a formal complaint had expired. According to them, publication of the allegations violated the USA Dance Code of Ethics. A review of the USA Dance Code of Ethics in place at the time the DSO Reports were prepared and circulated show that the Code of Ethics applies to "Members of the Governing Council of USA Dance, other national officials, and those who serve on boards and committees of USA Dance Chapters[.]" The Code of Ethics, thus, would apply to Ms. Locker in her role as a member of the Governing Council of USA Dance and member of the Board of the New York Chapter. However, it is uncertain whether the code as then written technically applied to Ms. Locker in her role as a USA Dance DanceSport Official because it is ambiguous whether DanceSport Officials are national officials of USA Dance. Furthermore, to the extent Ms. Locker did not maintain proper confidentiality, the Code of Ethics required only that Ms. Locker "[r]espect the confidentiality of sensitive information known due to board service." Here, the

⁸ The March 14 DSO Report does not address any other allegations in Mr. Zinshtein's letter.

information Ms. Locker received was not due to board service. Thus, whether Ms. Locker's actions violated the USA Dance Code of Ethics as written on March 13 and 14, 2017 is ambiguous.

However, Ms. Locker in her interview agreed with the Crowders that the allegations in the DSO Reports should never have been disclosed outside of the DanceSport Council and the DanceSport Officials (not even to Mr. and Mrs. Crowder) before there had even been an inquiry to determine whether there was sufficient evidence to merit a formal investigation. Ms. Locker described the DSO Report as a confidential document, and stated that historically DSO Reports had been treated as confidential documents. Ms. Locker did not identify a specific rule requiring confidentiality, but referred to a policy and practice that had been followed by the DanceSport Council and DanceSport Officials. The investigator did not find any formal policies or rules in place as of March 2017 that would require allegations be kept confidential. This will be further addressed in the investigator's recommendations.

There is an argument that Ms. Locker did not act with the professionalism required by the Code Ethics in her role as DanceSport Official because she did not instruct Mr. Zinshtein that his letter should be submitted to the VP of DanceSport, did not advise Mr. Zinshtein that his letter was untimely and lacked the requirements of a formal complaint as set forth in the DanceSport Rulebook, and that she should have rejected Mr. Zinshtein's letter for these failings rather than forward it on to the DanceSport Council, the DanceSport Officials, Ms. Durocher and Mr. Calloway. In the investigator's view, this argument elevates form over substance. While Mr. Zinshtein's letter does not meet the requirements of a formal complaint, the VP of DanceSport is empowered to institute an investigation without a formal complaint (*see* Rule 8.6.3), at the time Ms. Locker forwarded the letter there was no VP of DanceSport and any complaint would have gone to the mailbox of the VP of DanceSport which was being monitored by the Secretary of the DanceSport Council and thus ultimately would have been reviewed by the DanceSport Council. And while Ms. Durocher and Mr. Calloway arguably should not have been included in complaint communications, Mr. Calloway was already aware of the complaint and Ms. Durocher was a member of USA Dance's Executive Committee, would have received notice of the allegations in the result of a formal complaint, and arguably was also bound by confidentiality as a result of her board membership (at the time Ms. Durocher was organizing the National Championships on behalf of the Governing Council).

There is also an argument that Ms. Locker did not act with the professionalism required by the Code of Ethics because she published and distributed her March 14 DSO Report in which she continued to state an allegation that one judge had told another how to mark a couple even though she had not heard this herself, and the written account from Mr. Zinshtein explicitly states that he had not heard any such discussion himself. Thus, the March 14 DSO Report was extremely inaccurate with regard to the allegations against Mr. and Mrs. Crowder. However, while this is a strong argument for a potential violation of the Code of Ethics, as mentioned above, whether the Code of Ethics in place at the time technically applied to Ms. Locker as a DanceSport Official is ambiguous.

4. Publication of the Allegations

The evidence shows the allegations in the DSO Reports were sent outside the DanceSport Council and DanceSport Officials on at least two occasions: first by Mr. Kirrane, then by Ms. Locker, both on March 14. Ms. Locker disclosed the allegations when she circulated the March 14 DSO Report to the DanceSport Council, DanceSport Officials, Ms. Durocher and Mr. Calloway. There is no evidence that Ms. Locker's disclosure went any further than these people, and when Ms. Locker made the disclosure she requested that they look into the matter quickly. According to Ms. Locker she was requesting a quick investigation to determine whether there was sufficient evidence to justify further steps, and she expected the report to be kept confidential until that investigation had occurred.

A review of email communications shows that Mr. Kirrane's publication of the allegations from the March 13 DSO Report were made for the purpose of bolstering an argument to have a judge he deemed unfavorable removed from any panels that would be judging his son at the upcoming National Championships.⁹ Even though the adjudicator Mr. Kirrane sought to exclude was not Mr. or Mrs. Crowder, Mr. Kirrane's exclusion request stated "this is very similar to what happened at Mid-Atlantic with Wayne/Marie and Ronen's couple for which you and the DSO assigned to the competition flagged in your reports." Notably, Mr. Kirrane's email predates receipt of the letter from Mr. Zinshtein. Mr. Kirrane received access to the unsubstantiated allegations against Mr. and Mrs. Crowder because of his position as a DanceSport Official. However, rather than keeping this unsubstantiated information confidential, Mr. Kirrane instead used the information in an attempt to remove a different adjudicator from panels judging his son, and sent this information outside of the DanceSport Council and the DanceSport Officials. Eventually, the information from Mr. Kirrane's email made its way to Mr. Crowder.

Beyond these initial publications, Mr. Kirrane and Ms. Locker have also publicized the investigation and the allegations against the Crowders on Facebook. Specifically, on September 3, 2017, the same day Ms. Locker objected to the request for her position regarding informal mediation, Mr. Kirrane wrote:

Unbelievable! Back in February a coach and athlete approached the DanceSport Official to complain that they believed two judges conspired to mark them down at the Mid-Atlantic NQE. The DanceSport Official did what they should have done and put it into the report to the DanceSport Council to investigate. Attached to the report was a letter from the coach of the couple in question.

⁹ On March 13, 2017, Mr. Kirrane sent an email to the organizer of the 2017 National Championships and the Chair of Adjudicators where he "officially request[ed] that [the objected to adjudicator] not judge any event in which [Mr. Kirrane's son] is dancing." However, Mr. Kirrane did not file a formal complaint against the adjudicator as set forth in the Rulebook.

The right thing, per the USOC and everyday sporting ethics, to do is for the DanceSport Council ...to investigate and either collaborate [sic] and punish the judges in question or to find no evidence and move on.

I wish I could say I am surprised, but I'm not. This U-SAD DanceSport Council chose a different path. They ignored it. Tipped off the judges and are supporting one of the judges in a complaint against the DanceSport Official for doing her job. Ridiculous.

But it's even worse: In fact their latest offer to Daphna Locker is to 1) apologize to the judge in question and 2) agree to never be a U-SAD DanceSport Official again.

Absolutely disgusted at this point. I stand with Daphna for doing what is right and I hope she follows my advice.

Daphna has dedicated decades to this organization and its members and deserves better than this!

If you agree that a DanceSport Official's job is to report everything at a comp (good and bad) so the DanceSport Council can best protect the athletes and the fact that instead of investigating & addressing this serious issue U-SAD is instead colluding with the judge to intimidate, harass, cover up, and hide the fact is wrong I urge you to #standwithdaphna and write the entire Governing Council and let them know.

Oh in case your [sic] wondering, the judge in question was recently rewarded with appointments to U-SAD governing committees since this issue occurred.

Still think this is a member based org?

Mr. Kirrane's description of the events is extremely inaccurate. As described above, Ms. Locker stated in her interview that she received her description of the allegations from Mr. Calloway and did not speak with Mr. Zinshtein (the coach) or the athletes. Furthermore, the initial DSO report did not include a letter, and the letter attached to the second DSO Report failed to substantiate allegations of misconduct and in fact admitted that the complainant had not heard anything improper between Mr. and Mrs. Crowder. Mr. Kirrane was copied on both reports in his position as a member of the DanceSport Officials, and should have known the allegations in the DSO Reports were not substantiated. Moreover, the DanceSport Council did not "tip off" Mr. and Mrs. Crowder regarding the allegations in the DSO report. The allegations regarding Mr. and Mrs. Crowder came to Mr. Crowder's attention as a result of Mr. Kirrane's disclosure of the allegations in his attempt to remove what he considered an unfavorable judge from any panels judging his son at the 2017 National Championships. Finally, the allegation that USA Dance was supporting Mr. and Mrs. Crowder against Ms. Locker was also false. At the time of the post, USA Dance was attempting to informally mediate the dispute, and had asked Ms. Locker for her position regarding a settlement position put forward by Mr. and Mrs. Crowder.

Building on the false narrative he had created, Mr. Kirrane would eventually call for a boycott of competitions organized by Mr. and Mrs. Crowder, posting on September 7, 2017:

Sad to learn that the DanceSport Council and the Governing Council are continuing to pursue this witch hunt against Daphna, for doing her job, with respect to including in her report complaints by athletes and coaches at the 2017 Mid-Atlantic NQE. Perhaps athletes who #standwithdaphna should consider qualifying for Nationals at one of these NQEs in the future: Chicago, NorCal, The MAC, Mid-Atlantic, NEDSC, Summer Sizzler, Gumbo. Or better yet maybe they should just dance NDCA, Collegiate, and Independent comps for now on.

For her part, Ms. Locker took a limited part in the Facebook discussion, agreeing that “they” (presumably the DanceSport Council) were persisting, but failed to correct any of the inaccurate statements by Mr. Kirrane.

5. Attempts to Alter the Composition of Judging Panels at the 2017 National Championships

This situation appears to have arisen out of attempts to manipulate judging panels at the 2017 National Championships. At the Mid-Atlantic Championships, Mr. Zinshtein reportedly told Mr. Calloway that he was concerned about Mr. and Mrs. Crowder judging his couple at the upcoming National Championships. Furthermore, Mr. Zinshtein’s letter expressly states he wants USA Dance “to remove [Mr. and Mrs. Crowder] from events where (sic) world representatives are chosen.” Similarly, Mr. Kirrane requested that the organizer of the National Championships and Mr. Calloway keep a different adjudicator off panels judging the performance of his son.

In an email to Mr. Yli-Piipari, Mr. Calloway made the following statement:

I receive requests to keep judges off a particular panel occasionally and reject all of them without higher approval. Manipulation requests of this year’s Nationals panels is most serious I have ever seen, for other reasons, and we must be careful to keep the process open to appropriate officials.

Notably, the attempts to manipulate judging panel composition at the 2017 National Championships by Mr. Zinshtein and Mr. Kirrane were unsuccessful. Mr. Crowder judged the Adult Standard and, despite Mr. Zinshtein’s actions, marked the couple at issue in the Mid-Atlantic Championship 1, 1, 2, 2, 1.¹⁰ Similarly, the adjudicator to whom Mr. Kirrane objected

¹⁰ The final of the Adult Standard was very close, and the first and second placements for the event could have been reversed by a single mark in the quickstep. Furthermore, the couple that took second at the National Championship was the couple that Mrs. Crowder had marked first at the Mid-Atlantic Championships.

was included on three panels judging his son, and despite alleged personal issues between Mr. Kirrane and the adjudicator, the adjudicator marked his son equal to and better than the panels as a whole.¹¹ Thus, the attempts to manipulate judging panels were rebuffed, and the relevant adjudicators in fact marked the couples with no evidence of retaliation against either Mr. Zinshtein or Mr. Kirrane.

V. Recommendations:

The investigator makes the following recommendation to the members of the Executive Committee:

1. Recommendations Regarding Mr. Crowder, Mrs. Crowder, and Ms. Locker:
 - The Executive Committee make a formal finding that there is no evidence to support the allegation that Mr. and Mrs. Crowder colluded to fix results for the Adult Standard event at the 2017 Mid-Atlantic Championships.
 - The Executive Committee find that Ms. Locker's March 13 DSO Report accurately reported Mr. Zinshtein's allegation as it was related to her either by Mr. Calloway or Mr. Zinshtein.
 - The Executive Committee find that Ms. Locker's March 14 DSO Report did not accurately report Mr. Zinshtein's allegations as set forth in the letter attached to the report.
 - The Executive Committee find that Ms. Locker did not violate the Code of Ethics as it existed in March of 2017 through her preparation and publication of the DSO Reports because the Code of Ethics in force at the time arguably did not technically apply to DanceSport Officials.
2. Non-individual Recommendations:
 - The DanceSport Council and Governing Council should put in place policies barring informal mechanisms for removing adjudicators from judging panels. While prior administrations of USA Dance may have permitted judging panels to be altered through informal complaints, such a system lacks transparency and is prone to abuse. Should the

¹¹ In his interview, Mr. Zinshtein identified a fourth adjudicator to whom Mr. Kirrane had allegedly made an informal objection. If Mr. Kirrane had made an objection to this adjudicator, the objection was also disregarded as the adjudicator judged Mr. Kirrane's son in two events, marking Mr. Kirrane's son higher than the panel in one event and lower than the panel in another event.

DanceSport Council and Governing Council elect to put in place a judicial challenge process different from that currently set forth in the DanceSport Rulebook, that process should be made public and available to all DanceSport Athletes, not merely those who are well placed because they are connected to adjudicators, organizers, or officials.

- Allegations of unsubstantiated misconduct should be captured using a different form than the DSO report. DSO reports are typically distributed to organizers, and publication of unsubstantiated allegations can harm the accused – even when no evidence of misconduct is found.
- The Code of Ethics and/or DanceSport Rulebook should be clarified to require that DanceSport Officials and Chairs of Adjudicators to whom misconduct is reported, keep such allegations confidential until a formal investigation has been completed. Both the Crowders and Ms. Locker believed there were policies in place to keep Mr. Zinshtein’s allegations confidential. To the extent such unofficial policies exist they should be clarified and formally adopted.
- Guidelines regarding communications between adjudicators should be clarified to explicitly state whether adjudicators may communicate during breaks and how such communications should be conducted.
- This report should be made public along with a written opinion explaining the Executive Committee’s decision. The allegations against Mr. and Mrs. Crowder have been broadly publicized, as has the investigation of Ms. Locker. The membership should be assured the current administration conducted a thorough investigation and that its decisions are supported by evidence and sound reasoning.

The investigator does not make any recommendation regarding whether anyone else discussed in this report should be the subject of an investigation, disciplinary action, or referral to the Ethics Committee. Other individuals were not the subject of the investigation, and while this investigation collected information related to the actions of other individuals, the investigator views recommendations regarding disciplinary action against those individuals as beyond the purview of this investigation.

/s/ Michael Murphy

Michael Murphy
USA Dance
DanceSport Delegate