



USA Gymnastics Safe Sport Policy (f/k/a Participant Welfare Policy)

The Safe Sport Policy, formerly known as the Participant Welfare Policy, is part of USA Gymnastics' safe sport initiatives and incorporates the authority and jurisdiction of the U.S. Center for Safe Sport. USA Gymnastics policies and procedures related to misconduct are presently under review, and updates to this policy may be necessary in the near future. Available online at usagym.org/SafeSport, changes are effective immediately unless otherwise noted in the policy.

Consistent with the mission of USA Gymnastics,¹ the welfare of gymnastics participants, especially minors, is of paramount concern. When any member - gymnast, participant, coach, official, volunteer or staff member - is subjected to or engages in abuse or misconduct, it undermines the mission of USA Gymnastics and is inconsistent with the best interests of the sport of gymnastics and of the gymnasts USA Gymnastics serves.

USA Gymnastics is committed to promoting a safe environment for its members, gymnasts, participants, coaches, officials, volunteers and staff in all gymnastics disciplines. USA Gymnastics has developed and adopted this policy to set forth the efforts it will undertake to promote a safe gymnastics environment, both solely and in partnership with other necessary parties, including member clubs, parents, gymnasts, the gymnastics community, and the U.S. Center for SafeSport ('Center').

Gymnastics participants must promote a safe, misconduct-free environment for members, gymnasts, participants, coaches, officials, volunteers and staff in all gymnastics disciplines. As such, a "Covered Individual" (as defined below) in accordance with the requirements of the U.S. Center for SafeSport:

- a. is responsible for knowing the information, policies and procedures outlined in:
 - the Center's *SafeSport Code for the U.S. Olympic and Paralympic Movement* ('Code' or 'SafeSport Code') and its related policies;
 - USA Gymnastics' rules, policies, Bylaws, and Code of Ethical Conduct;
- b. shall refrain from engaging in or willfully tolerating any of the forms of Misconduct and Prohibited Conduct described in the Center's SafeSport Code and USA Gymnastics Safe Sport Policy;
- c. is subject to the Center's jurisdiction and must comply with the Center's policies, procedures, and SafeSport Code, including with respect to reporting suspected Misconduct and violations of Proactive Policies (as defined below); and

¹ The mission of USA Gymnastics is to encourage participation and the pursuit of excellence in all aspects of gymnastics.

- d. is subject to USA Gymnastics' jurisdiction and must comply with USA Gymnastics' rules, policies, Bylaws, and Code of Ethical Conduct, including with respect to reporting suspected misconduct and violations of Proactive Policies.

A "Covered Individual" is:

- a. Any individual who currently is, or was at the time of a possible SafeSport Code Violation, within the governance or disciplinary jurisdiction of USA Gymnastics or who is seeking to be within the governance or disciplinary jurisdiction of USA Gymnastics (e.g., through application for membership), including:
 - Current members (professional, jr. professional, instructor, athlete, introductory athlete)
 - Applicants for membership
 - Individuals who were members of USA Gymnastics at the time of any suspected Misconduct or Prohibited Conduct described in the Center's SafeSport Code or USA Gymnastics Safe Sport Policy
 - USA Gymnastics staff and Board members
- b. Any individual who is an Athlete or Non-Athlete Participant that USA Gymnastics formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes, such as persons compensated and/or appointed by USA Gymnastics to perform services at sanctioned activities run by USA Gymnastics National Office or its State and Regional Committees, such as camps, competitions, and educational events, including for example:
 - Events staff - Individuals with access to the field of play
 - Medical personnel
 - Chaperones
 - National Team Training Center support staff
 - Any other contracted individual working with or around athletes

A "Covered Adult" is a Covered Individual who is 18 years of age or older.

An "unrelated Covered Adult" is a Covered Individual who is not an immediate family member of the gymnast.

A "Covered Minor" is a Covered Individual who is under the age of 18.

An "Athlete" is an athlete member of USA Gymnastics.

A "Non-Athlete Participant" is any of the following members of USA Gymnastics: coach, team staff, medical or paramedical personnel, administrator, official, or other athlete-support personnel, employee, or volunteer who participates in amateur sports programs offered or sanctioned by USA Gymnastics or the U.S. Olympic Committee.

Part I. Misconduct and Prohibited Conduct.

USA Gymnastics has agreed to comply with the safe sport policies of the U.S. Center for SafeSport ('Center') and has incorporated into this Safe Sport Policy the provisions of the *SafeSport Code for the U.S. Olympic and Paralympic Movement ('Code' or 'SafeSport Code')* by reference. The Center may update its policies at any time and the changes are effective when published. For the most current safe sport rules, policies and procedures, go to www.safesport.org.

USA Gymnastics has adopted the definitions of misconduct and prohibited conduct from the Center's SafeSport Code as follows.

A. Sexual Misconduct.

Sexual Misconduct is within the exclusive authority of the Center.

A Covered Individual shall not engage in Sexual Misconduct as defined in the SafeSport Code.

B. Other Safe Sport Misconduct.

Other Safe Sport Misconduct – Physical Misconduct, Bullying, Hazing, Harassment, or Emotional/Verbal Misconduct - is within the authority of USA Gymnastics. Upon USA Gymnastics' request, the Center may, at its discretion, accept a matter involving Other Safe Sport Misconduct.

A Covered Individual shall not engage in Prohibited Conduct, including Physical Misconduct, Bullying, Hazing, Harassment or Emotional/Verbal Misconduct as defined in the SafeSport Code. USA Gymnastics recognizes the process for training and motivating gymnasts varies with each coach and each gymnast. Nevertheless, it is incumbent on everyone involved in the sport to support the development and use of motivational training methods that avoid conduct that is, or is likely to be perceived, as being abusive.

C. Misconduct Related to the Resolution Process.

Misconduct related to the resolution process is within the authority of USA Gymnastics and/or the Center.

The following behavior by a Covered Individual may be considered misconduct as defined in the SafeSport Code: Abuse of Process, Failure to Report, Intentionally Making a False Report, or Retaliation. Any such conduct, including after the resolution of a matter is final, is a violation of this policy and/or the Center's SafeSport Code.

D. Proactive Policies Protecting Against Sexual Misconduct.

Except as set forth in Part II, violations of the Proactive Policies described herein are within the authority of Member Clubs.

USA Gymnastics has adopted the recommendation of the Center to establish Proactive Policies Protecting Against Sexual Misconduct ('Proactive Policies') tailored specifically to the sport of gymnastics that (i) set standards for professional boundaries, (ii) minimize the appearance of impropriety and have the effect of preventing boundary violations and (iii) prohibit grooming tactics.

USA Gymnastics Member Clubs must adopt USA Gymnastics' Proactive Policies outlined below. In addition, Member Clubs are strongly encouraged to adopt more comprehensive Proactive Policies tailored specifically to their club.

1. One-on-one interactions.

- An unrelated Covered Adult shall not be alone with a Minor (a) in a private setting, and (b) in any place that is inappropriate to the professional relationship (i.e., a social setting outside the training or competitive environment). A gymnastics activity conducted within the view and/or earshot of another adult is not considered a one-on-one interaction if it presents a meaningful opportunity for interruption.
- Gymnasts may not reside with an unrelated Covered Adult, nor may a Covered Adult reside with a gymnast's family.

2. Travel.

- When traveling, an unrelated Covered Adult shall not be alone with a Minor.
- For overnight travel, assign gymnasts to hotel rooms with age-appropriate, same-sex teammates.
- Do not allow an unrelated adult to share or be alone in a sleeping room with gymnasts.

3. Social Media and Electronic Communications.

- All e-mails, texts, and posts must be transparent, professional and related solely to gymnastics activities or events. Covered Adults may not have out-of-program contact with gymnasts on social media. (For example, general communication regarding a gymnastics activity or event via a club's social media account is acceptable, but private communication via a coach's and/or an athlete's personal social media account is not acceptable.)
- Covered Adults must distribute electronic and mobile communications to minor gymnasts openly and publicly; for example, with a copy to the parent(s)/guardian(s) and/or to the entire team transmitted simultaneously.
- Parents and guardians have the right to request that (a) their child not be contacted in any form of electronic communications, or (b) certain information about their child that they designate not be distributed in any form of electronic communications. All such requests will be honored.

4. Photography/Videography.

- Photographs or videos may only be taken (a) in public view; (b) if they observe generally accepted standards of decency; and (c) are both appropriate for and in the best interest of the gymnast.

- Examples of photos that should be edited or deleted:
 - Open straddle positions
 - Any image where the genital area is prominent
 - Images with misplaced apparel or where undergarments are showing
 - Suggestive or provocative poses
- Without a parent's (or legal guardian's) consent in the case of a Minor gymnast, or a gymnast's consent in the case of an adult gymnast (a) gymnasts may not be photographed or filmed; and (b) no images of gymnasts may be posted publicly or privately. If consent is given, it may be revoked at any time.

5. Locker Rooms/Changing Areas.

- Interactions between Covered Adults and gymnasts should not occur in any room where there is a reasonable expectation of privacy such as the locker room, restroom or changing area. A second adult should be present for any necessary interaction between an adult and a gymnast in any such room.
- The use of recording devices of any kind in any such room is strictly prohibited.

6. Gifting.

Gift-giving or providing special favors or privileges to individual gymnasts is prohibited.

7. Massage/Icing/Taping.

- Any rubdown or massage performed on a gymnast by any unrelated Covered Adult must be conducted in open/public locations and must never be done with only a gymnast and unrelated Covered Adult in the room.
- Icing and taping must be conducted in open/public locations and must never be done with only a gymnast and unrelated Covered Adult in the room.
- Icing and taping near the intimate areas of the body is not permitted by any unrelated Covered Adult - unless it is done by a licensed medical professional - and must never be done with only a gymnast and unrelated Covered Adult in the room.

8. Stretching and Other Physical Contact.

Covered Adults should take care to prevent any compromising positions while stretching or closely interacting with gymnasts and must avoid:

- Laying or sitting on top of the gymnast
- Facing the gymnast while he/she is in a static straddle position
- Lap sitting
- Pats on the bottom

Physical contact that is reasonably intended to coach, teach or demonstrate a gymnastics skill or to prevent or lessen injury (e.g., spotting, catching) is permissible. Infrequent, non-intentional physical contact, particularly contact that arises out of an error or a misjudgment on the part of the gymnast, participant or coach, does not violate this policy.

Part II. Reporting, Jurisdiction and Processing Complaints.

A. Reporting Suspected Abuse to Legal Authorities.

1. USA Gymnastics will report suspected child abuse or neglect (including Sexual Misconduct) within 24 hours to the proper authorities in all instances and without exception, unless it is aware that authorities have already been notified.
2. Covered Adults must report suspected child abuse or neglect (including Sexual Misconduct) within 24 hours to the appropriate legal authorities, which is separate from notification to the Center, USA Gymnastics, or a Member Club as outlined below. For state-by-state reporting information, see www.childwelfare.gov.

B. Reporting Sexual Misconduct.

Covered Adults are required to provide notification of conduct of which they become aware that could constitute (a) Sexual Misconduct, (b) misconduct that is reasonably related to the underlying allegation of Sexual Misconduct, and (c) retaliation related to an allegation of Sexual Misconduct as set forth in the Code:

1. Directly to the Center.
2. In the event the disclosure is initially made to USA Gymnastics, USA Gymnastics will forward the information to the Center.
3. Notification to the Center and/or USA Gymnastics DOES NOT satisfy any legal reporting requirements under state or federal law. Covered Adults are required to report suspected sexual misconduct to legal authorities as required by State law or Federal law, prior to notifying the Center.

C. Reporting Other Safe Sport Misconduct.

Members of USA Gymnastics are required to provide notification of conduct by a Covered Individual that could constitute Other Safe Sport Misconduct:

1. Directly to USA Gymnastics.
2. Notification to USA Gymnastics DOES NOT satisfy any legal reporting requirements under state or federal law. If the suspected conduct may also be criminal, persons are required to report to legal authorities as required by State or Federal law, prior to notifying USA Gymnastics.

D. Reporting Misconduct Related to the Resolution Process.

Covered Adults must provide notification of suspected Misconduct Related to the Resolution Process:

1. Directly to the Center, if the Center was the entity that had jurisdiction over the original allegation.
2. Directly to USA Gymnastics, if USA Gymnastics was the entity that had jurisdiction over the original allegation.

E. Reporting Violations of Proactive Policies

Members of USA Gymnastics must provide notification of conduct by a Covered Individual that may constitute a violation of Proactive Policies.

1. Directly to the Member Club.

2. Member Clubs are required to inform USA Gymnastics when they receive notification of suspected violations of Proactive Policies by Covered Individuals in their clubs, and the resolution of the matter. USA Gymnastics will also notify the Center of any such notification and its resolution.
3. If reporting a suspected violation by a Covered Individual to the Member Club does not result in a satisfactory resolution, the reporting individual may request that USA Gymnastics review the matter. USA Gymnastics will also notify the Center of any such matter and its resolution.
4. Notification to USA Gymnastics DOES NOT satisfy any legal reporting requirements under state or federal law. If the suspected conduct may also be criminal, Covered Adults are required to report to legal authorities as required by State or Federal law.

F. Jurisdiction.

1. *Sexual Misconduct.* The Center has the exclusive authority to investigate and resolve conduct involving Sexual Misconduct, as well as prohibited conduct under the Code that is reasonably related to the underlying allegation of Sexual Misconduct.
2. *Other Safe Sport Misconduct.* Other Safe Sport Misconduct is within the authority of USA Gymnastics and within the discretionary authority of the Center. Upon the written request of USA Gymnastics, the Center may, in its discretion, accept jurisdiction over alleged violations of Other Safe Sport Misconduct.
3. *Related Violations.* Alleged violations of Misconduct Related to the Resolution Process will be resolved by either the Center or USA Gymnastics, depending on which entity has/had jurisdiction over the original allegation.
4. *Proactive Policies.* Violations of Proactive Policies are within the authority of the Member Clubs. However, if reporting the suspected violation to the Member Club does not result in a satisfactory resolution, an individual may request that USA Gymnastics review the matter. Additionally, upon the written request of USA Gymnastics, the Center may, in its discretion, accept jurisdiction over alleged violations of Protective Policies.

G. Telephone Inquiries.

At least two USA Gymnastics staff members, one of each gender, shall be trained to receive telephone inquiries regarding misconduct. The staff members shall:

1. Advise the caller that they, as well as USA Gymnastics has an obligation to report suspected child abuse or neglect to the proper authorities within 24 hours, unless it is aware that the authorities have already been notified.
2. Inform the caller that allegations of Sexual Misconduct must be reported to the Center and provide the caller with the information necessary to notify the Center and/or forward the information the caller has provided directly to the Center on their behalf.
3. Inform the caller that if the matter has not been referred to the Center, a written and signed complaint must be received for a USA Gymnastics member to initiate a grievance against another member of USA Gymnastics pursuant to its Code of Ethical Conduct and/or Articles 9 and/or 10 of USA Gymnastics Bylaws, and offer to provide a copy of the relevant documents to the caller.
4. Encourage that the victim(s) seek professional help, if appropriate.

5. Written summaries detailing the call will be indexed by the alleged perpetrator and will become a part of any applicable file to use as part of the resolution process.

H. Implementation of USA Gymnastics' Misconduct/Grievance Procedures.

At least two USA Gymnastics staff members, one of each gender, shall be trained in the proper implementation of the member misconduct and grievance procedures contained in the Center's SafeSport Code, USA Gymnastics Code of Ethical Conduct, and/or USA Gymnastics Bylaws.

1. A trained staff member will be designated to implement the procedures for each complaint.
2. The designated staff member will determine whether or not the accused is a Covered Individual.
 - a. If the accused is a Covered Individual, the matter will proceed in accordance with the existing applicable policy.
 - b. If the accused is not a Covered Individual, the staff member will notify the complaining party, as a courtesy, that USA Gymnastics is unable to pursue the matter internally.
3. The designated staff member will "shepherd" the complaint through the process set forth in the USA Gymnastics Code of Ethical Conduct or its Bylaws.

I. Referral to the Center.

1. One staff member will be designated as USA Gymnastics' safe sport liaison to the Center.
2. The designated staff member will:
 - a. If the matter involves possible Sexual Misconduct, report that matter to the Center.
 - b. As appropriate, make requests for the Center to resolve a complaint that is within the Center's discretionary authority.
 - c. Notify the Center of suspected violations of Proactive Policies by any Covered Individual and resolution thereof.

J. Confidentiality and Privacy.

1. Due to reporting requirements, and in consideration of any potential or ongoing safety risk, USA Gymnastics cannot guarantee confidentiality in safe sport matters. However, USA Gymnastics will treat such matters with as much confidentiality as is possible under the circumstances and with the sensitivity they deserve.
2. Information will only be shared on an as-needed basis with the concerned parties.
3. Parents/guardians of gymnasts may be notified, as necessary, of any possible health or safety risk.

Part III. USA Gymnastics' Additional Safe Sport Measures.

A. Criminal Background Screening of Individual Members.

As a condition to being granted the privilege of membership in USA Gymnastics, individuals applying for professional membership must submit to criminal background screening pursuant to USA Gymnastics' Criminal Background Screening Policy. Individuals given a "Green Light" or "meets the screening criteria" consistent with that policy fulfill the background-screening requirement for membership in USA Gymnastics. Individuals given a "Red Light" consistent with that policy means criminal history has been sourced that "does not meet the screening criteria."

USA Gymnastics will continually monitor and review the individuals who are subject to criminal background searches, with the primary goal of safeguarding gymnasts and other participants through proactive measures while conforming to legal norms and industry best practices.

B. Permanently Ineligible for Membership List.

USA Gymnastics maintains a list of individuals and clubs who are permanently ineligible for membership, available at usagym.org/ineligible. Persons and clubs who are sanctioned with a lifetime ban are restricted from involvement or association with USA Gymnastics and Member Club activities.

C. Code of Ethical Conduct.

The Code provides guidance and affirms the commitment of all members to safeguard the best interests of the sport and its athletes by acting ethically at all times.

D. Athlete Member Advisement.

Upon obtaining membership in USA Gymnastics, an enclosure is mailed with the Athlete Membership Card advising Athletes of the organization's initiatives to promote a safe environment including awareness of this Safe Sport Policy, his/her role in maintaining the Athlete's own safety, and available safe sport resources.

E. Professional Member Advisement.

Upon obtaining membership in USA Gymnastics, an enclosure is mailed with the Professional Membership Card advising the member of the organization's initiatives to promote a safe environment for gymnasts and other participants including awareness of this Safe Sport Policy, the member's obligation's in maintaining a safe environment, and available safe sport resources.

F. Member Clubs.

As a condition for the privilege of membership in USA Gymnastics as a Member Club, a club must agree to and comply with the following requirements for the entirety of the club's membership period, and a certification of compliance must be made annually.

1. Have a policy consistent with USA Gymnastics' Safe Sport Policy that affirms the club's commitment to the welfare of gymnastics participants in its club and includes, at

minimum, a description of conduct that will not be tolerated, standards of behavior that promote participant welfare, and a process for receiving and handling complaints regarding conduct that violates its policy.

2. Must adopt USA Gymnastics "Proactive Policies" into the club's policies and be able to provide written documentation of compliance no later than January 1, 2018.
3. Certify that no persons permanently ineligible for USA Gymnastics membership and no persons listed on a federal or state sex-offender registry are or will be associated with the club or its activities in any way.
4. Maintain current commercial general liability insurance that includes at a minimum, participant liability and participant accident medical insurances.
5. Maintain a current Professional membership for the owner of a private gymnastics facility and/or the managing director of a public/non-profit facility.
6. Have a mission statement consistent with USA Gymnastics' mission to encourage participation and the pursuit of excellence in all aspects of gymnastics.

G. Recommendations to Member Clubs.

USA Gymnastics strongly encourages local clubs to join with USA Gymnastics in taking affirmative steps beyond those described in Section F to promote a safe environment for all gymnastics participants by:

1. Adopting additional "Proactive Policies" to foster a safe gymnastics environment and to prevent abusive situations, and by training staff and volunteers to implement such policies;
2. Implementing a thorough hiring process including, for example, reference and criminal background checks;
3. Encouraging parents/guardians to become as active as reasonably possible in his/her child's gymnastics activities; and
4. Otherwise implementing policies and procedures to lessen the likelihood that an abusive situation could develop.

H. Event Sanctions.

As a condition for being granted a USA Gymnastics sanction for an event, the applicant must certify that no persons permanently ineligible for USA Gymnastics membership, and no persons listed on a federal or state sex-offender registry, will be associated with the event in any capacity, including, but not limited to, volunteers and meet support personnel. Sanctioned events may only be hosted by Member Clubs.

I. Advertising/Trade Shows.

As a condition to place advertising in USA Gymnastics publications, on its web site or through other USA Gymnastics media platforms/publications, or to participate in USA Gymnastics Congress Regional/National Trade Shows, advertisers, vendors and exhibitors must certify that no persons permanently ineligible for USA Gymnastics membership are or will be associated with the advertiser's gymnastics-related activities, the position, activity, or event it intends to publicize; or the vendor or exhibitor's on-site activities.

J. Hiring/Training of USA Gymnastics Staff/Volunteers.

1. USA Gymnastics staff members must complete criminal background screening consistent with USA Gymnastics' "Background Screening Policy." Individuals not given a "Green Light" consistent with that policy prior to their employment may not be hired. Individuals not given a "Green Light" on any subsequent criminal background screening may be subject to dismissal.
2. USA Gymnastics shall also check at least two (2) references for each applicant.
3. All USA Gymnastics staff members will be informed about the Safe Sport Policy, which is included as an appendix in the *Employee Policies & Procedures Handbook*, and made aware of its importance to our members and our organization.
4. The members of the USA Gymnastics Board of Directors must submit to criminal background screening consistent with the Criminal Background Screening Policy. Individuals not given a "Green Light" consistent with that policy may be subject to removal.

K. Education of the Gymnastics Community.

USA Gymnastics will provide education for members of the gymnastics community geared toward promoting a safe gymnastics environment by:

1. Requiring members to complete a designated safe sport course every two years.
2. Designating a section of its website, usagym.org/SafeSport, with educational and safe sport content that is updated as necessary;
3. Featuring articles on athlete safety online and in its magazines;
4. Conducting a live presentation at each National and Regional Congress;
5. Providing online or electronic access through the Safety/Risk Management Certification or other USA Gymnastics University courses;
6. Providing brochures and/or posters to members and Member Clubs;
7. Addressing the topic at minimum annually in designated Athlete meetings, with designated Athletes' parents, and with USA Gymnastics' staff members.
8. Including information in its publications, where appropriate, including the *Safety/Risk Management Handbook* and each discipline's *Rules and Policies*.

L. Professional Development.

Professional and Instructor members of USA Gymnastics should strive to increase their level of proficiency and skill by remaining current on safety, health and training developments relevant to the sport and by seeking advice and counsel of colleagues and experts whenever such consultation is in the best interests of the gymnast.

M. Communication.

USA Gymnastics will consistently communicate:

1. Its mission and that misconduct is inconsistent with its mission and the best interest of its participants and the sport of gymnastics.
2. Its commitment to, and working toward, a safe environment for all gymnastics participants.

N. Document Retention.

USA Gymnastics will permanently retain misconduct / grievance files and materials.

O. Policy Review.

Safe Sport policies will be reviewed at least annually and updated as necessary.



**SAFESPORT CODE FOR THE U.S. OLYMPIC AND
PARALYMPIC MOVEMENT**

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SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

Effective December 28, 2017

The U.S. Olympic and Paralympic Movement is committed to creating and maintaining a sport community where all persons who participate in sport programs and activities can work and learn together in an atmosphere free of all forms of emotional, physical and sexual misconduct. The U.S. Center for SafeSport's Response and Resolution Office (Office) has issued this *SafeSport Code for the U.S. Olympic and Paralympic Movement (Code)* and its appendices (collectively, *Code*) pursuant to the Center's authority under the United States Olympic Committee's (USOC) Bylaws.

Individuals within the Office's jurisdiction are responsible for knowing the information, policies and procedures outlined in this *Code* and its related policies. The Office reserves the right to make changes to this document as necessary. Once posted online, changes are effective immediately unless otherwise noted.

I. INTRODUCTION

A. Application

The *Code* applies to Covered Individuals, as defined below.

B. Online, email, cellular or other electronic media or digital conduct

The *Code* may be applied to behavior conducted online or distributed electronically using email, text messages or any other electronic medium. This includes without limitation blogs, web postings, chats and social networking sites.

C. Age and competitive level irrelevant

Except as specifically noted, the *Code* applies without respect to age or competitive level.

D. Other remedies

1. The *Code* does not replace:
 - a. the Ted Stevens Olympic and Amateur Sports Act;
 - b. the employment practices of any relevant organization; or
 - c. applicable federal or state law.
2. The *Code* does not extend or restrict a person's right to file charges or claims with any other agency, law enforcement or court. Individuals are encouraged to ensure their rights have not expired through these other avenues.

II. DEFINITIONS

The following terms, as used in the *Code* and Appendices A and B, shall have the following meaning:

A. Athlete

An individual recognized as an athlete by an NGB under its bylaws, rules, regulations, guidelines or other governing documents.

B. Bullying Behavior

Repeated and/or severe (a) aggressive behavior (b) among Minors,¹ (c) that is intended or likely to hurt, control or diminish another person emotionally, physically or sexually.

¹ Bullying-like behaviors among adults are addressed under other forms of misconduct such as Hazing and Harassment.

1. Forms

a. Physical

Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping; throwing objects such as sporting equipment at another person.

b. Verbal

Teasing, ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.

c. Social, including cyberbullying

Using rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.

d. Sexual

Teasing, ridiculing or taunting based on gender or sexual orientation (real or implied), gender traits or behavior (e.g., taunting someone for being too effeminate), or teasing someone about their looks or behavior as it relates to sexual attractiveness.

2. Rude, mean and conflict—distinguished

Conduct may not rise to the level of Bullying Behavior if it is rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons, absent a Power Imbalance, who perceive they have incompatible goals.

3. Criminal conduct

Bullying Behavior includes any conduct described as bullying under federal or state law.

C. Consent

Freely given agreement by all people involved. As it relates to Sexual Conduct, Consent requires words or actions by a person who is legally and functionally competent to give informed permission for specific sexual activity. Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior consent does not imply consent to future sexual activity. Once given, Consent can be withdrawn through clear communication.

Consent does not exist if a person does not give Consent, or an Inability to Consent or Inability to Refuse exists.

1. Inability to Consent

An Inability to Consent exists when Consent cannot be given because the person (a) lacks legal capacity or (b) is Incapacitated.

a. Incapacitated

A state where a person cannot make a rational, reasonable decision because they lack the capacity to give informed consent (i.e., to understand the “who, what, when, where, why or how” of the sexual interaction).

A person may be Incapacitated because of a developmental or mental disability, illness, injury, alcohol or other drug use (voluntary or involuntary), blackout, sleep, unconsciousness or involuntary physical restraint.

2. Inability to Refuse

An Inability to Refuse exists when effective Consent cannot be given because of the use of Coercion, Force, Intimidation, or creating or misusing a Power Imbalance.

a. Coercion

Unreasonable pressure to engage in Sexual Conduct. Whether pressure is unreasonable depends on four factors, considered together: (a) frequency, (b) intensity, (c) isolation and (d) duration.

b. Force

The use or threat of physical force that overcomes free will or resistance.

c. Intimidation

Implied threats or acts that reasonably cause a fear of harm in another.

D. Covered Adult

A Covered Individual who is 18 years of age or older.

E. Covered Individual

Any individual who: (a) currently is, or was at the time of a possible violation of the *Code*, within the governance or disciplinary jurisdiction of an NGB or who is seeking to be within the governance or disciplinary jurisdiction of an NGB (e.g., through application for membership), (b) is an Athlete or Non-athlete Participant that an NGB or the USOC formally authorizes, approves or appoints to a position of authority over Athletes or to have frequent contact with Athletes or (c) an NGB identifies as being within the Office's jurisdiction.

F. Covered Minor

A Covered Individual who is under the age of 18.

G. Criminal Disposition

Any disposition of a criminal proceeding, other than an adjudication of not guilty, including an adjudication of guilt or admission to a criminal violation; a plea to a lesser included offense; a plea of no contest; the disposition of the proceeding through a diversionary program, deferred adjudication, disposition of supervision, conditional dismissal, or similar arrangement; or the existence of any pending charges

H. Emotional Misconduct

Repeated and/or severe non-contact behavior involving (a) Verbal Acts, (b) Physical Acts and/or (c) Acts that Deny Attention or Support. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

1. Verbal Acts

Verbal assault that repeatedly attacks someone personally (e.g., calling a person worthless, fat or disgusting; taunting a person for being too effeminate); repeatedly and excessively yelling at a particular athlete or other participant in a manner that serves no productive training or motivational purpose.

2. Physical Acts

Physically aggressive behaviors, such as throwing sport equipment, water bottles or chairs at or in the presence of others; punching walls, windows or other objects.

3. Acts that Deny Attention or Support

Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a participant from practice.

4. Exclusions

Emotional Misconduct does not include professionally accepted and age-appropriate coaching methods for skill and performance enhancement, physical conditioning, team building or appropriate discipline.

5. Criminal conduct

Emotional Misconduct includes any act or conduct (e.g., psychological abuse, emotional abuse, mental abuse, child abuse) that can be described as emotional abuse under applicable federal or state law.

I. Harassment

Repeated and/or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment, or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on age, gender, sexual orientation, gender expression, gender identity, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature, frequency, intensity, location, context and duration of the behavior.

1. Forms

Harassment, which may be a form of Emotional, Physical or Sexual Misconduct, includes but is not limited to:

a. Discriminatory Harassment

Conduct with the design or effect of establishing dominance, superiority or power over an individual or group based on age, sex, race, color, ethnicity, culture, national origin, religion, sexual orientation, gender expression, gender identity, or mental or physical disability.

b. Stalking

Conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking generally involves a course of conduct which includes two or more acts, involving persistent and frequent unwanted in-person contact, surveillance or unwanted telephone and/or other electronic contact.

i. Examples

Stalking behaviors include without limitation: following a person; appearing at a person's home, class, work or practice; frequent phone calls, emails, or text messages; continuing to contact a person after receiving requests to stop; leaving unwanted written messages, objects or gifts; vandalizing a person's property; threatening, intimidating or intrusive behavior; and violating a lawful order preventing contact with a person.

c. Sexual Harassment

Conduct by a Covered Adult toward an Athlete or other non-employee, Non-athlete Participant that includes (a) sexual advances, requests for sexual favors, or other verbal or physical behaviors of a sexual nature; or (b) is sufficiently severe, persistent or pervasive and objectively offensive that it negatively affects an individual's performance.

J. Hazing

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team or organization. Purported Consent by the person subject to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

1. Examples

Examples of Hazing include:

a. Contact acts

Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.

b. Non-contact acts

Requiring or forcing the consumption of alcohol, illegal drugs or other substances in an effort to elicit a negative physiological response, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water and/or food; restrictions on personal hygiene.

c. Sexualized acts

Actual or simulated Sexual Conduct of any nature.

2. Criminal acts

Any act or conduct that constitutes hazing under applicable federal or state law.

K. Intimate Relationship

A close personal relationship that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical contact and/or Sexual Conduct, identity as a couple, the sharing of sensitive personal information, and/or knowledge about each other's lives outside the sport relationship.

L. Local Affiliated Organization (LAO)

A regional, state or local club or organization that is directly affiliated with an NGB, such as a regional affiliate or a local club, or that is affiliated with an NGB by virtue of its direct affiliation with a regional affiliate or organization.

M. Minor

An individual under the age of eighteen.

N. National Governing Body (NGB)

A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the United States Olympic Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501-220529. When the USOC manages and governs a Paralympic sport, the USOC falls within this definition.

O. Non-athlete Participant

Any coach, trainer, team staff, medical or paramedical personnel, administrator, official, or other athlete support personnel, employee or volunteer who participates.

P. Physical Misconduct

Any contact or non-contact conduct that causes or reasonably threatens to cause physical harm to another person.

1. Examples

Examples of physical misconduct may include, without limitation:

a. Contact violations

Punching, beating, biting, striking, choking or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.

b. Non-contact violations

Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the U.S. legal drinking age; providing illegal drugs or non-prescribed medications to another.

2. Criminal conduct

Physical misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g. child abuse, child neglect, assault).

3. Exclusion

Physical misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports but have no place in swimming.

Q. Position of Power

When one person has direct supervisory, evaluative or other authority over another.

1. Examples

A person who may be in a Position of Power includes someone such as a coach, boss, employer or medical personnel.

R. Power Imbalance

A Power Imbalance may exist:

- 1.** Where one person is in a Position of Power such that, based on the totality of the circumstances, there is a Power Imbalance.
 - a.** Whether someone occupies a Position of Power such that there is a Power Imbalance depends on several factors, including: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties' respective roles; the nature and duration of the relationship; the age of the adult; the age of the people involved.

b. Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates and the Athlete reaches 20 years of age. A Power Imbalance may exist, but is not presumed, where an Intimate Relationship existed before the sport relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

2. Based on the totality of the circumstances, including whether there is an aggressor, and/or a significant disparity in age, size, strength or mental capacity.

S. Reporting Party

In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person alleging a violation of the *Code*.

T. Responding Party

In proceedings under the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement*, the person who is alleged to have violated the *Code*.

U. SafeSport Code Violation (Violation)

Conduct by a Covered Individual that violates (a) this *SafeSport Code for the U.S. Olympic and Paralympic Movement*; (b) any previous LAO, NGB or USOC standards concerning the type of conduct prohibited in this *Code*; or (c) other standards accepted at the time of conduct analogous to prohibited conduct in this *Code*.

V. Sexual Conduct

Contact and non-contact behaviors of a sexual nature.

1. Contact behaviors of a sexual nature

Any intentional bodily contact of a sexual nature, however slight, whether clothed or unclothed, of a person's intimate body parts with any object or body part up to and including a completed or attempted penetration.

a. Sexual Contact

Sexual contact is (a) any intentional bodily contact, however slight, whether clothed or unclothed, of a person's intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part and/or (b) any other intentional bodily contact in a sexual manner.

b. Sexual Intercourse

Sexual intercourse is (a) a completed or attempted penetration of the vulva or anus by a penis, object, tongue or finger; and/or (b) contact between the mouth and the penis, vulva or anus.

2. Non-contact behaviors of a sexual nature

Non-contact behaviors of a sexual nature include (a) exposure to sexual situations (e.g., pornography, voyeurism, exhibitionism); (b) sexual comments, sexually explicit photographs; or (c) filming, taking or disseminating photographs of a sexual nature.

a. Exploitation

Non-contact behavior of a sexual nature includes Exploitation (taking sexual advantage of another to benefit or gratify one's self or any person other than the person or persons being exploited). Exploitation includes, but is not limited to (a) voyeurism or spying on persons engaged in intimate or sexual behavior, (b) exposing genitals or inducing another person to expose his or her genitals without Consent, (c) taking

pictures or video or audio recordings of another in a sexual act or in any other private activity, without the Consent of all involved in the activity, or (d) disseminating or threatening to disseminate pictures, video recordings or audio recordings of another person in a sexual act or any other private activity.

W. Third-party Reporter

A person who reports or discloses a possible violation of the *Code*, if not the Reporting Party.

X. Third-party Reports

Reports or disclosures of a possible violation of the *Code* brought by a person other than a Reporting Party.

III. PROHIBITED CONDUCT

A. Sexual misconduct

1. Generally

Sexual misconduct offenses include:

- a. Sexual Conduct (or attempts to commit the same), without Consent.
- b. Sexual Conduct (or attempts to commit the same), where there is a Power Imbalance, regardless of purported Consent.
- c. Sexual Harassment.
- d. An Intimate Relationship involving a person in a Position of Power where a Power Imbalance exists.

2. Sexual misconduct involving Minors

Regardless of any purported Consent, a sexual misconduct offense involving a Minor includes:

- a. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is three or more years.
- b. Sexual Conduct (or attempt to commit the same) between a Covered Adult and a Minor where the age difference is less than three years, but a Power Imbalance exists.
- c. An Intimate Relationship (or attempt to establish the same) between a Covered Adult and a Minor where the age difference is three or more years and a Power Imbalance exists.
- d. Sexual Conduct between a Covered Minor and another Minor if: (1) the age difference is three or more years, or (2) there is a Power Imbalance based on the totality of the circumstances.

3. Child sexual abuse

A Covered Individual shall not engage in any behavior that constitutes child sexual abuse as defined by federal or applicable state law.

4. Criminal Disposition

It is a violation of the *Code* for a Covered Individual to be convicted of or subject to a Criminal Disposition for a crime involving (a) any form of sexual misconduct or (b) a Minor.

5. Other

A Covered Individual shall not engage in any other form of sexual misconduct, including Bullying Behaviors or Hazing of a sexual nature.

B. Other misconduct

1. Emotional or Physical Misconduct

A Covered Individual shall not engage in Emotional or Physical Misconduct. Emotional or Physical Misconduct may include Bullying Behaviors, Hazing or Harassment.

2. Proactive policies

An LAO, NGB or the USOC may adopt proactive policies that apply to Covered Individuals and set standards for professional boundaries, minimize the appearance of impropriety and have the effect of preventing boundary violations and prohibiting grooming tactics.² Tailored to a specific sport, context, legal structure or constituency, such policies may address overnight travel rules (e.g., preventing unrelated Covered Adults and Minors from sharing rooms under specified circumstances), massages and rubdowns, social media and electronic communications, photography, locker rooms, one-on-one meetings and gifting. If a Covered Individual violates a proactive policy established by the Covered Individual's LAO, NGB or the USOC, it shall also be a violation of the *Code*.

C. Retaliation

Retaliation is any adverse action taken by a Covered Individual against a person participating in the Office's proceedings. Retaliation by a Covered Individual against a person for making an allegation, supporting a Reporting Party

or providing information relevant to an allegation is a serious violation of the *Code*.³

IV. ENFORCEMENT AUTHORITY

A. Exclusive authority—sexual misconduct

The Office has the exclusive authority to investigate and resolve conduct involving (a) sexual misconduct; and (b) prohibited conduct under the *Code* that is reasonably related to the underlying allegation of sexual misconduct. Exclusive authority means (a) only the Office will investigate and manage any related arbitration involving sexual misconduct; and (b) neither the NGB nor the USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided. *See* Appendices A and B.

B. Discretionary authority

On the written request of the NGB or USOC, the Office may, in its discretion, accept authority over alleged violations of any prohibited conduct under the *Code*.

V. REPORTING

A. Sexual misconduct

1. Conduct by a Covered Individual that could constitute sexual misconduct should be reported to the Office as set forth in the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement* (Appendix A).

² "Grooming" describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor. Once selected, offenders will then earn the minor's trust, and potentially the trust of the minor's family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him/her. Grooming occurs through direct, in-person and/or online contact.

³ Because the Office's authority is limited to direct or indirect actions by a Covered Individual, the power to address retaliatory discrimination or harassment is likewise limited. The Office does not have any control or authority over the conduct of others outside its jurisdiction and does not have any control or authority over the employment status of Covered Individuals.

2. **If an allegation involves child abuse or neglect, the matter should also be referred to the appropriate legal authorities.**

B. Other misconduct

1. **Emotional and Physical Misconduct**

Conduct by a Covered Individual that could constitute Emotional or Physical Misconduct under the *Code*, including Bullying Behaviors, Hazing and Harassment, should be reported to the relevant, promulgating organization.

2. **Proactive policies**

Conduct by a Covered Individual that could violate a proactive policy should be reported to the relevant, promulgating organization. If the relevant, promulgating organization is an LAO, the LAO should also report a possible violation of a proactive policy to its NGB. The NGB, in turn, should report the matter to the Office.

C. Retaliation

1. **Sexual misconduct**

Retaliation related to an allegation of sexual misconduct should be reported to the Office.

2. **Other misconduct**

Retaliation related to an allegation of other misconduct— Emotional Misconduct, Physical Misconduct, Bullying Behaviors, Hazing, Harassment or proactive policies— should be reported to the relevant, promulgating organization.



**SAFESPORT PRACTICES AND PROCEDURES FOR THE
U.S. OLYMPIC AND PARALYMPIC MOVEMENT**

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**SAFESPORT PRACTICES AND PROCEDURES FOR THE
U.S. OLYMPIC AND PARALYMPIC MOVEMENT**

Effective as of March 3, 2017

I. APPLICATION AND STANDARDS

A. Application

The U.S. Center for SafeSport Response and Resolution Office (Office) uses the *SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (Procedures)* to determine whether a Covered Individual violated the *SafeSport Code for the U.S. Olympic and Paralympic Movement (Code)*.

B. Authority

1. Exclusive authority

The Office has exclusive authority over (a) actual or suspected sexual misconduct by a Covered Individual; and (b) misconduct that is reasonably related to an underlying allegation of sexual misconduct, as set forth in the *Code*. Exclusive authority means that (a) only the Office will investigate and manage any related hearings involving sexual misconduct and (b) neither the NGB nor USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided.

a. No statute of limitations

Neither criminal nor civil statutes of limitations apply to the *Code* or these *Procedures*.

b. Limit—individuals and non-employment matters

- i. The Office's authority extends only to the conduct of *individuals*—Covered Individuals specifically. It does not regulate, investigate or

audit LAO, NGB or USOC organizational practices.

- ii. The Office's exercise of any authority under its resolution proceedings are independent of any employment decisions made by an LAO, NGB or the USOC, which have sole responsibility for any employment action.

2. Discretionary authority

On the written request of an NGB or the USOC, the Office may, in its discretion, accept jurisdiction over any form of misconduct as set forth in the *Code*.

C. Rules

In resolving allegations of misconduct, the Office applies the standards and rules in effect at the time of the alleged violation. If a report is made regarding conduct that occurred before the effective date of the *Code*, the Office will apply the relevant NGB's rules and regulations and/or other standards applicable at the time of the alleged conduct.

D. Standard of proof

The Office uses the preponderance of the evidence standard to determine whether a Covered Individual violated the *Code*.

II. REPORTING, CONFIDENTIALITY AND PRIVACY

A. Reporting

1. Anyone may report

Anyone who becomes aware of possible sexual misconduct under the *Code* by a Covered Individual may report to the Office and is encouraged to do so.

2. Mandatory reporters

a. Covered Adults

i. Sexual misconduct

Covered Adults *must* report to the Office (conduct of which they become aware that could constitute (a) sexual misconduct, (b) misconduct that is reasonably related to the underlying allegation of sexual misconduct and (c) retaliation related to an allegation of sexual misconduct:

- Telephone: 720-524-5640
- Online: <https://safesport.org/response-resolution/report>. Online reports are accepted 24 hours a day, 7 days a week.
- Regular mail:

U.S. Center for SafeSport
c/o Response and Resolution Office
1385 South Colorado Boulevard, Suite A-706
Denver, Colorado 80222

ii. Proactive policies

Conduct by a Covered Individual that could violate a proactive policy should be reported to the relevant, promulgating organization. If the relevant, promulgating organization is an LAO, the LAO must report the matter to its NGB. The NGB, in turn, should report the possible violation to the Office.

b. No assessment of credibility or validity

The obligation to report is broader than reporting the criminal arrest of a Covered Individual; it requires reporting to the Office any conduct that comes to the Covered Adult's attention which, if true, would

violate the *Code*. Questions about whether conduct triggers a reporting obligation should be directed to the Office.

Individuals should not investigate, or attempt to evaluate the credibility or validity of allegations involving sexual misconduct, as a condition of reporting to the Office.

c. Initial disclosure to LAO, NGB or the USOC

If the possibility of sexual misconduct under the *Code* is first disclosed to a Covered Adult at an LAO, NGB or the USOC, that Covered Adult *must* promptly report the possibility of sexual misconduct, in writing, to the Office.

d. Identity of Third-party Reporter and Reporting Party

The Office will not identify or use the name of a Third-party Reporter. Nor will it publicly release a Reporting Party's identifying information.

3. Ongoing obligation

- a. The obligation to report is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information about which a Covered Adult becomes aware.
- b. If a Covered Adult learns additional information, including information regarding the nature of an incident, the identity of witnesses, statements regarding the incident (including statements by the Reporting Party, Responding Party or a Third-party Reporter), or the existence of evidentiary material (including any documents, electronic communications, emails, text messages, medical reports, photographs, audio or video recordings, or

social medial activity), it must be reported promptly to the Office.

- c. The ongoing obligation does not require, and persons should not attempt to conduct, an investigation into possible sexual misconduct. The Office, however, recognizes the potential need for an organization to gather sufficient facts to ensure the safety of its constituents that may be impacted by the alleged misconduct.

4. Reports concerning child abuse or neglect—separate obligation to report to legal authorities

A report of child abuse or neglect to the Office as required under this policy *does not* satisfy any separate obligation an individual or organization may have under federal or applicable state law to report known or suspected child abuse or neglect.

- a. Covered Adults must report suspicions or allegations of child abuse or neglect to both the Office and appropriate legal authorities. If an allegation reported to the Office involves child abuse or neglect, the Office will also comply with all federal or state reporting requirements.
- b. *No one should investigate suspicions or allegations of child abuse or neglect or attempt to evaluate the credibility or validity of allegations, as a condition of reporting to the appropriate legal authorities.*
For state-by-state reporting information, visit <https://www.childwelfare.gov/topics/responding/reporting/>.

5. No statute of limitations

Civil or criminal statutes of limitations do not affect or negate the obligation of a Covered Adult to report possible sexual misconduct to the Office under the *Code*

and should be reported to the Office, regardless of when it occurred.

6. Anonymous reports

Reports may be made to the Office anonymously. Anonymity means that the identity of the individual who makes the report is not known to the Office. It does **not** mean that the information provided will be protected.

However, an anonymous report may limit the Office's ability to investigate and respond to a complaint. And, if a Covered Adult reports anonymously, it may not be possible for the Office to verify that mandatory reporting obligations have been satisfied. *Consequently, the Office strongly discourages Covered Adults from reporting anonymously.*

B. Confidentiality and privacy

1. Confidentiality for a Reporting Party

If a Reporting Party would like the details of an incident to be kept confidential, the Reporting Party may speak with the USOC's Athlete Ombudsman's Office.

The USOC Athlete Ombudsman provides independent, cost-free advice to athletes regarding the opportunity to participate in protected competition, and the various policies and procedures associated with participating in sport at an elite level, including SafeSport issues. Confidentiality parameters will be discussed at the outset of any communication and may be limited by mandatory reporting requirements, including cases of immediate threat or danger, or abuse of a Minor.

The Athlete Ombudsman can be reached by phone: 1-800-ATHLETE, 719-866-5000, or via email: athlete.ombudsman@usoc.org. For more information, visit www.athleteombudsman.org.

2. Reporting Party request for confidentiality

If the Office receives notice of possible sexual misconduct, but a Reporting Party does not wish for their name or identity to be shared, does not wish for an investigation to take place or does not want a formal resolution to be pursued, the Reporting Party may make such a request to the Office, which will evaluate the request.

- a. In cases where a Reporting Party requests confidentiality and the circumstances allow the Office to honor that request, the Office will not pursue formal action.
- b. In cases indicating pattern, predation, threat, use of weapons and/or violence, the Office will likely be unable to honor a request for confidentiality.

3. Privacy

Information will be shared only as necessary with investigators, witnesses and the Responding Party. It will be necessary for the Office to (a) notify the NGB of an allegation involving a Covered Individual from that NGB, (b) if the Office seeks an interim measure, (c) if the Office proceeds to a full investigation, and (d) any final decision regarding whether a violation occurred and sanctions, if any. But the Office will not disclose the identity of a Reporting Party to the NGB unless necessary to the case.

4. Parental notification

The Office reserves the right to notify parents/guardians of Reporting Parties regarding any health or safety risk.

III. RESOLUTION PROCEDURES

Proceedings may be conducted by the Office and/or its designees. The timing and scope of the proceedings will be based upon the particular circumstances of the matter at issue. While applying the

Procedures consistently in similar situations is a priority, they are flexible and will not be applied the same way in every situation. The Office reserves the right to modify its processes as it deems necessary.

Absent compelling circumstances, cases involving more than one Reporting Party and/or more than one Responding Party will be treated as a single matter throughout resolution proceedings, including arbitration, if any.

A. Participation

1. Advisors

a. Right to an advisor

The Reporting Party and Responding Party are entitled to an advisor of their choosing to guide and accompany them throughout proceedings. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who may be called as witnesses may not serve as an advisor.

Each party is entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews and hearings. An advisor should help their advisee prepare for each meeting, and is expected to advise ethically, with integrity and in good faith.

b. Rules

Each advisor is subject to the same rules, whether or not the advisor is an attorney:

- i. An advisor may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the

proceeding if the advisor wishes to interact with Office officials.

- ii. An advisor is expected to refrain from interference with the Office's proceedings and may be asked to leave any meeting if an Office official considers the advisor to be disruptive or otherwise failing to respect the limits of the advisor role.
- iii. No audio or video recording of any kind is permitted during meetings with Office officials other than as authorized by the Office.

2. Participation of Reporting Party and Responding Party

a. Opportunity to provide evidence

During an investigation, both the Reporting Party and the Responding Party are permitted to provide evidence, including written statements, lists of potential witnesses and other physical or documentary evidence.

b. Cooperation and adverse inferences

Full cooperation and participation in the investigation process is important to ensure that all relevant facts and evidence are presented to the Office so it can determine whether a *Code* Violation occurred. If a party declines to cooperate or participate in an investigation, the Office will make its decision based on the available evidence. If a Responding Party does not cooperate with the Office, an adverse inference may be drawn.

c. Witnesses

Any witness scheduled to participate in an arbitration must consent to be interviewed by the Office prior to any hearing, unless the Office otherwise agrees to the witness's participation.

B. Preliminary inquiry

1. Initiating proceedings

- a. When the Office receives notice of a matter within its exclusive authority, or accepts a matter within its discretionary authority, it will undertake a preliminary inquiry to determine if there is (a) reason to believe (b) a Covered Individual (c) violated the *Code*. If, after a preliminary inquiry, the Office concludes there is reason to believe a Covered Individual has violated the *Code*, it will initiate proceedings, which may include an informal or formal resolution.
- b. The Office may initiate proceedings without a formal report, and reserves the right to initiate proceedings without a report from, or participation by, the Reporting Party.

2. Interim measures

The Office may, at any point before a matter is final, seek interim measures as set forth below in Part V.

C. Informal resolution

At any time prior to an arbitrator's final decision, the Office has the authority to reach an informal resolution of any matter. An informal resolution is a final disposition of the matter and the final disposition will not be confidential.

D. Formal resolution—full investigation

If the Office determines that a formal resolution process is necessary, it will appoint trained investigators, usually within two business days of determining that a formal resolution should proceed. The number of investigators and the length of the investigation will depend on the nature and/or complexity of the matter.

1. Steps

The investigator(s) may take the following steps:

- a.** Seek to notify the Reporting Party that the Office is conducting an investigation into the possible *Code* Violation and inform the Reporting Party of the right to meet with the investigator and present evidence in support of the complaint along with the names and/or contact information of any potential witnesses with direct knowledge of the allegations.
- b.** Seek to interview the Responding Party and advise the Responding Party of the nature of the allegation before making a determination. The Responding Party will be provided the opportunity to present a response to the allegations, including evidence and the names and/or contact information of potential witnesses with direct knowledge of the allegations.
- c.** Seek to interview witnesses with direct knowledge of the allegations.
- d.** Seek evidence and take any other action as the investigator may deem relevant to the investigation.
- e.** Review the evidence provided by a Third-party Reporter, the Reporting Party, the Responding Party or any other source.
- f.** Document all investigative efforts, including but not limited to interviews, receipt of relevant

documentation, database searches, and review and collection of other publicly-available information (e.g., social media, public records).

2. Closing the investigation

At any point prior to final resolution the Office may close the investigation if (a) the investigator could not conduct or complete the investigation, (b) it is determined the Office does not have authority or jurisdiction over the alleged Violation or (c) it is determined there is no reason to believe that there has been a Violation. The Office may, at its discretion, reopen any case closed under this section.

3. Investigative report

Upon completing the investigation, the investigator will prepare a report that, based on the preponderance of the evidence, sets forth findings of fact and references disputed facts and any credibility assessments. The investigator's report will also state whether the Responding Party violated the *Code*. If it is determined that the Responding Party violated the *Code*, the investigator will include in the report a recommended sanction.

4. The Director of Investigation's Decision

The Director of Investigations (Director) will consider the investigative report and any other relevant information. If the Director decides no further investigation is necessary, the Director will issue a Decision that (a) states whether a violation of the *Code* occurred, based on a preponderance of the evidence, (b) the *Code* Violation and (c) the sanction to be imposed (if any), consistent with the Sanctioning Guidelines. The Decision will include a summary of the relevant facts, evidence relied upon and the rationale for the Decision. Names of witnesses and parties will be replaced with alpha-numeric identifiers.

5. Notice of Director's Decision

The Director will provide written notice and a copy of the Decision to the Responding Party and the Reporting Party. The written notice will state the Responding Party's opportunity to request a hearing before the arbitration body to challenge all or part of the Decision. The Decision will also include notice of the Reporting Party's right, as discussed below, to request a hearing before the arbitration body to challenge a determination that the Responding Party did not violate the *Code*. Notice and receipt may be accomplished either through actual notice or constructive notice. Constructive notice is sufficient for all purposes for which notification is required under these *Procedures*.

a. Actual notice

Actual notice and receipt may be accomplished by any means that conveys actual knowledge of the matter to the person. Actual notice and receipt shall be effective upon delivery.

b. Constructive notice

Constructive notice and receipt may be accomplished by third-party courier, email or U.S. Postal mail.

- i. Notice shall be sent to the person's most recent mailing address or email address on file (taking into account the most recent contact information on file with the Office or the LAO, NGB or USOC, as relevant). Also, if the person has provided the Office with the name and contact information of a designated advisor, notice may be sent to the advisor's most recent mailing or email address. Notice shall be achieved if the third-party courier indicates delivery or if the U.S. Postal mail is not returned within a reasonable period of time.

- ii. Constructive notice and receipt shall be effective one business day after delivery by a third-party courier or email or five business days after depositing the notice with the U.S. Postal Service.

6. Options

a. Reporting Party

If the Director decides there was no violation of the *Code* by the Responding Party, the matter will be closed. If, however, the Reporting Party is an Athlete or Non-athlete Participant, then the Reporting Party may initiate arbitration within five business days to request a finding that the Responding Party violated the *Code*.

b. Responding Party

If a violation of the *Code* is found, the Responding Party shall have five business days from receipt of the Director's notice to request a hearing concerning the Director's Decision. The Responding Party may request a hearing concerning the Director's finding(s) that there was a violation of the *Code*, the sanction or both. If the Responding Party fails to request a hearing within five business days, the Director's Decision shall go into effect unless the Director determines that the Responding Party has shown good cause for an extension of the time to request a hearing.

c. Interim measures and sanctions remain in effect pending arbitration

All interim measures and sanctions imposed by the Office will be in effect until arbitration, if any, is final. However, the Responding Party may request that the Director delay implementation of the sanctions until the arbitration is final. Whether to

delay implementation of the sanctions rests in the sole discretion of the Director.

7. Arbitration

Any arbitration will be conducted pursuant to the *Supplementary Rules for U.S. Olympic and Paralympic SafeSport Arbitrations (Rules)*. On receiving a hearing request from the Responding Party, the Office will initiate an arbitration as provided for in the *Rules*. If these *Procedures* conflict with the *Rules*, the *Rules* govern.

8. Reopening a case

At any time after an informal resolution, Decision or arbitration is final, either the Reporting Party or Responding Party may request that the Office reopen a matter to consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included in this request. Whether to reopen a case is within the Director's sole discretion.

IV. MISCONDUCT RELATED TO THE OFFICE'S PROCEEDINGS

When the Office is engaged in proceedings related to an actual or suspected *Code* Violation, and even after a matter is final, the following behavior by a Covered Individual may be considered misconduct, which violates these *Procedures*, and may give rise to sanction: abuse of process, failure to report, intentionally making a false report, or Retaliation.

A. Abuse of process

Direct or indirect abuse of or interference with Office proceedings by: (a) falsifying, distorting or misrepresenting information; (b) destroying or concealing information prior to or during an investigation; (c) attempting to discourage an individual's proper participation in or use of, the Office's

processes; (d) harassing or intimidating (verbally or physically) any person involved in the Office's processes before, during and/or following proceedings (including up to and through arbitration); (e) publicly disclosing a Reporting Party's identifying information; (f) failing to comply with an interim measure or other sanction; or (g) influencing or attempting to influence another person to commit abuse of process.

B. Failure to report

A failure by a Covered Individual to report actual or suspected misconduct that could violate the *Code*.

C. Intentionally making a false report

A report that is intentionally false or made maliciously without regard for truth.

V. INTERIM MEASURES

At any point before a matter is final through these *Procedures* or arbitration, interim measures may be appropriate to ensure the safety or well-being of the Reporting Party, Athletes, other Non-athlete Participants or the Responding Party. Interim measures may also be appropriate where an allegation against the Responding Party is sufficiently serious that the Responding Party's continued participation could be detrimental to sport or its reputation. Nothing in these *Procedures* prevents the Office, LAO, NGB or USOC from taking appropriate interim measures upon notice of an imminent threat of harm. In such emergency circumstances, it may be appropriate to immediately remove a Covered Individual to address such a threat.

A. Notice

Unless imposed under emergency circumstances involving an imminent threat of harm, the Office will notify a Responding Party that it will impose interim measures unless the Responding Party requests an interim measures hearing as set forth in the *Rules*.

B. Rules

Any interim measures hearing will be conducted according to the *Rules*.

C. Scope

The interim measures hearing is not to be a full hearing on the merits and is limited to determining whether there exists reasonable cause to impose one or more interim measure(s).

D. Measures

Interim measures may include, but is not limited to, altering training schedules, providing chaperones, implementing contact limitations between the parties, and suspensions.

VI. SANCTIONING GUIDELINES

Sanctions will be reasonable and proportionate to the *Code* Violation and surrounding circumstances with the intended effect of protecting relevant participants.

A. Possible sanctions

One or more of the following sanctions may be recommended or imposed singularly or in combination: (a) written warning; (b) educational or behavioral programs; (c) loss of privileges; (d) probation; (e) suspension or other eligibility restrictions, up to and including permanent ineligibility. The Office reserves the right to lessen or broaden any range of recommended sanctions in the case of mitigating circumstances or egregiously offensive behavior.

The Office may maintain a searchable database of Covered Individuals who have had their eligibility restricted or suspended under these *Procedures* on or after March 3, 2017.

B. Considerations

Factors relevant to determining appropriate sanctions include, without limitation:

1. Seriousness of the Violation;
2. The Responding Party’s prior history;
3. Ages of individuals involved;
4. Whether the Responding Party poses an ongoing threat to the safety of others;
5. Voluntary disclosure of offense and/or cooperation by the Responding Party;
6. Disposition of an investigation by state or federal law authorities;
7. Real or perceived impact of incident on the Reporting Party, NGB(s) or USOC; and
8. Other mitigating and aggravating circumstances.

C. Reciprocity

A sanction as to one NGB’s Covered Individual, resulting from the Office’s exercise of its exclusive or discretionary authority, shall also be enforced by the USOC and all other NGBs.

VII. RELATED PROCEEDINGS

A. Effect of criminal or civil proceedings

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the *Code*, the resolution of a criminal proceeding is not determinative of (but may be relevant to) whether a violation of the *Code* has occurred, regardless of the outcome of any criminal process. Conduct may constitute sexual misconduct under the *Code* even if the Responding Party is not charged, prosecuted or convicted for the behavior that constitutes a potential violation of the *Code*, is acquitted of a criminal charge, or legal authorities decline to prosecute.

The Office's resolution will not typically be altered or precluded on the grounds that (a) a civil case or criminal charges involving the same incident or conduct has been filed, or (b) that charges have been dismissed or reduced; or (c) a lawsuit has been settled or dismissed. However, the Office may:

1. Undertake a delay in its investigation or resolution process to avoid any conflict or interference with law enforcement proceedings; and/or
2. Comply with a law enforcement request for cooperation when criminal charges associated with the incident or conduct that invoked this process is being investigated.

B. Effect of criminal conviction

If the Responding Party is convicted of a crime or subject to a Criminal Disposition related to the underlying misconduct, the Office may either investigate or conclude that a violation of the *Code* occurred based on a conviction or Criminal Disposition. If a conclusion is reached that a violation of the *Code* occurred, the Office may issue a sanction.

VIII. USE OF MATERIALS

Materials created or produced by the Office and marked confidential as part of these *Procedures* and any arbitration under the *Rules* shall not be disclosed outside those proceedings, except as required by law.