



United States Biathlon

SafeSport Policy

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INTRODUCTION

The U.S. Biathlon Association (“USBA”) is committed to creating a safe and positive environment for athletes and participants involved in the sport of biathlon. It is also committed to creating an atmosphere free of misconduct, including child physical and sexual abuse and other forms of misconduct that do not necessarily involve children. In this SafeSport Policy (the “Policy”) USBA will identify six primary types of misconduct, discuss USBA’s efforts to curb misconduct, and enumerate USBA’s safe sport requirements for certain individuals involved with USBA.

USBA reserves the right to amend this Policy from time to time as necessary.

I. DEFINITIONS

Misconduct: Misconduct means conduct which results in harm, the potential for harm or the imminent threat of harm. Age is irrelevant to misconduct. There are six primary types of misconduct in sport: emotional, physical and sexual misconduct, bullying, harassment and hazing, which are further discussed in Section B.

Child, children and minor: Child (children) and minor mean anyone under the age of 18. In this policy the terms “child” and “minor” are used interchangeably.

Participants: Participants means minors who participate in a sport activity through a club or organization (e.g., minor athletes, officials or referees).

Nothing contained in this policy is intended to supercede, replace, or otherwise abrogate the USBA Bylaws, the Ted Stevens Olympic and Amateur Sports Act, or the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movements.

II. SAFESPORT POLICY

A. APPLICATION

This Policy applies to the following individuals (collectively, “Constituents”):

- USBA employees, coaches, contracted staff, volunteers, board members, committee and task force members, officials, and other individuals working with athletes or other sport participants while at USBA conducted activities, whether or not they are employees of the USBA;
- USBA Athletes (i) training and/or residing at a USOC Olympic Training Center, (ii) in the USADA registered testing pool (RTP) and/or (iii) at any US Biathlon conducted activity;
- All individuals, athletes or non-athletes, USBA (or a Local Affiliated Organization) formally authorizes, approves or appoints (i) to a position of authority over, or (ii) to have frequent contact with Athletes; and
- Other individuals agreed by the U.S. Center for SafeSport (the “Center”) and USBA to be within the Center’s jurisdiction.

B. PROHIBITED CONDUCT

Constituents shall refrain from all forms of misconduct, which include:

- Sexual misconduct
- Emotional misconduct
- Physical misconduct
- Bullying
- Harassment (including sexual harassment)
- Hazing

All forms of prohibited conduct are intolerable and in direct conflict with the Olympic Ideals.

Definitions of the foregoing, examples and exceptions may be found in the U.S. Center for SafeSport Code <https://safesport.org/files/index/tag/policies-procedures>

C. BACKGROUND SCREENING

The USBA requires criminal background screening at least every two years for those individuals it formally authorizes, approves or appoints (a) to a position of authority over, (b) to have frequent contact with athletes, including, but not limited to staff, coaches, judges/officials and volunteers, and/or (c) any non-athlete individual that the USBA authorizes to train, stay, or work at an Olympic Training Center (collectively, the “SafeSport Background Screening Pool”). For purposes of clarification, the USBA is considered to formally authorize, approve or appoint an individual in instances where the USBA has control over the appointment process.

No less than annually, the USBA will publish on its website the categories of individuals in the SafeSport Background Screening Pool. To view this list, click <https://www.teamusa.org/us-biathlon/resources/safesport>

In USBA’s discretion it may bypass this background check requirement for those people in the SafeSport Background Screening Pool who are under 18 years of age.

As to members of the SafeSport Background Screening Pool newly taking a role, the USBA requires background screening prior to contact with athletes begins, and in any event within sixty (60) days of the commencement of the new role.

The USBA will track all SafeSport Background Screening Pool background screening and perform periodic checks to ensure compliance with this policy.

D. EDUCATION AND TRAINING

The USBA requires safe sport education and training for (a) individuals in the SafeSport Background Screening Pool, and (b) all USBA staff (collectively, the “SafeSport Training Pool”), Instructions on how to take the training are located here:

<https://www.teamusa.org/us-biathlon/resources/safesport>

The USBA also encourages athletes in the US Anti-Doping Registered Testing Pool (RTP) as well as all other athletes and anyone else involved in this sport to take the training.

No less than annually, the USBA will publish on its website the categories of individuals in the SafeSport Training Pool. To view this list, click <https://www.teamusa.org/us-biathlon/resources/safesport>

As to members of the SafeSport Training Pool newly taking a role, the USBA requires completion of the education and training prior to contact with athletes begins, and in any event within sixty (60) days of the commencement of the new role.

The USBA will track all SafeSport Training Pool education and training and perform periodic checks to ensure compliance with this policy.

E. INVESTIGATION AND RESOLUTION AUTHORITY/ U.S. CENTER FOR SAFESPORT

The USBA and its Constituents are subject to the U.S. Center for SafeSport (the “Center”) Code, which can be found here: <https://safesport.org/files/index/tag/policies-procedures> , for the investigation and resolution of safe sport violations.

The Center has the exclusive authority to investigate and resolve Constituent conduct involving (a) sexual misconduct; and (b) prohibited conduct under the Center’s Code that is reasonably related to the underlying allegation of sexual misconduct. The Center also has discretionary authority over other alleged violations of any prohibited conduct under the Code.

All issues falling within USBA’s authority (i.e., outside of the Center’s authority) will be addressed by USBA – employee/volunteer matters will be handled pursuant to employee policies and procedures, and issues falling under the Ted Stevens Olympic and Amateur Sports Act (the “TSOASA”) will, after a preliminary determination (described below), be handled pursuant to the Hearing Procedures in the USBA Bylaws (Chapter 32).

Preliminary Determination - On receipt of a disclosure and/or other information alleging misconduct, if the USBA CEO or Chairman of the Board is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel. The Review Panel will consist of the CEO or his/her designee, the Chair of the USBA Board of Directors or his/her designee, the Chair of the Ethics Committee, the USBA AAC representative, and legal counsel as

determined by the Chair of the Board. The review panel shall determine if a Grievance exists and recommend either that the CEO attempt to resolve the matter informally at outlined in Chapter 31, Section 10 of the USBA Bylaws or whether the matter requires referral to the Hearing Committee and creation of a Hearing Panel as described in Chapter 32 of the USBA Bylaws (a summary of which is below – nothing contained therein is intended to supercede, replace or otherwise abrogate the USBA Bylaws).

Minor Witness -

If the complainant/alleged victim(s) is a minor, the investigator's or other fact-finder's report may substitute for the minor witness's direct testimony, provided that the accused had an opportunity to present and respond to relevant information collected during the investigation and before the report was transmitted to the Review Panel (discussed above).

The Hearing Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

Sanctions -

Any sanctions imposed by the Hearing Panel against the individual will be proportionate and reasonable, relative to the content that is found to have occurred. The decision regarding the appropriate sanction shall be up to the panel deciding each complaint. In imposing a sanction, the Review Panel shall consider:

- a) The legitimate interest of the USBA in providing a safe environment for its participants
- b) The seriousness of the offense or act
- c) The age of the accused individual and alleged victim when the offense or act occurred
- d) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct
- e) The effect on the USBA's reputation
- f) Whether the individual poses an ongoing concern for the safety of the USBA's athletes and participants
- g) Any other information, which in the determination of the Panel, bears on the appropriate sanction

Sanctions may range from a warning and a reprimand to suspension from sport involvement with the USBA for a period of time. Suspensions from sport involvement with the USBA may be temporary or permanent. The most severe sanction possible to impose will be permanent suspension from sport involvement and expulsion from USBA activities and facilities. In the event that the allegation is made against an athlete, the Hearing Panel will communicate its findings to the USOC for a determination concerning continued access to an OTC.

F. REPORTING

Every Constituent must report reasonable suspicions or allegations of: (1) violations of this Policy and (2) child physical or sexual abuse to either the Center or the USBA as set forth below.

The USBA also encourages member parents, athletes and other sport participants to communicate violations of the Policy and/or allegations and suspicions of misconduct.

If you believe an allegation involves child abuse or neglect, the matter should also be referred to the appropriate law enforcement authorities.

Please report all issues falling within the Center's authority (see, Section II.E., above) to the Center.

TO REPORT TO THE U.S. CENTER FOR SAFESPORT - CLICK: <https://safesport.org/report-a-concern>

Please report all issues falling outside of the Center's authority to USBA.

TO REPORT TO THE USBA complete an Incident Report Form, which may be found online at our SafeSport page under point 4. Report by following this URL: <http://www.teamusa.org/US-Biathlon/Resources/SafeSport>

The USBA will forward any reports falling under the Center's jurisdiction to the Center, and will address all other matters.

REPORTING TO EITHER THE CENTER OR USBA MAY BE MADE ANONYMOUSLY. THERE ARE NO FILING FEES ASSOCIATED WITH INITIATING A REPORT.

All suspicions/allegations of child physical or sexual abuse will be reported to the appropriate law enforcement authorities. As a matter of policy, the USBA does not investigate suspicions/allegations of child physical or sexual abuse or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

G. WILLFULLY TOLERATING MISCONDUCT

It is a violation of this Policy if a Constituent knows of misconduct, but does not report the issue as set forth in this Policy.

H. CONFIDENTIALITY, NO RETALIATION AND BAD-FAITH ALLEGATIONS

Confidentiality

To the extent permitted by law, and as appropriate, the USBA will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical and sexual abuse to the authorities.

No Retaliation

Regardless of outcome, the USBA will support the complainant(s) and his or her right to express concerns in good faith. The USBA will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow or in any way harm any individual(s) who reports a concern in good faith. Such actions against a complainant will be considered a violation of this Policy and grounds for disciplinary action. Any allegations of retaliation should be reported using the same process as for reporting an initial concern.

Bad-Faith Allegations

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of this Policy and grounds for disciplinary action. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

I. INTERIM MEASURES/SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint indicates that a Constituent's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, the USBA may institute interim measures and/or suspend the accused individual pending final resolution of the complaint to eliminate any potential for danger to an athlete, sport participant or other individual. Except for employee/volunteer issues (over which USBA has absolute discretion), the USBA will provide the Constituent with notice and offer her/him an opportunity to contest the suspension.

The USBA may suspend the accused Constituent where there is a reasonable belief that the individual has committed emotional, physical or sexual misconduct. Evidence which may be found sufficient to support a reasonable belief includes, at a minimum:

- the suspension or termination of employment or membership by a USBA Club, any other national governing body or any other sport organization

- an Incident Report Form with specific and credible information
- other legal documentation or report supporting a reasonable belief that the individual has committed emotional, physical or sexual misconduct, including abuse of a child (e.g., a criminal indictment).

For the purposes of this Policy, a suspension from sport involvement shall mean that for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the business, events, or activities of the USBA. In the event that the allegation is made against an athlete, the USBA will communicate its findings to the USOC for a determination concerning continued access to an OTC.

J. APPEAL RIGHT

Any Ted Stevens Olympic and Amateur Sports Act suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused individual within 20 days of the suspension as further detailed in Chapter 32, Section 8 of the USBA Bylaws.