



# United States Biathlon

## *SafeSport Policies*

SafeSport | WHERE YOUR GAME PLAN STARTS

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## INTRODUCTION Preliminary Statement



The U.S. Biathlon Association is committed to improving the development and safety of athletes and participants involved in sport. Unfortunately, sport can be a high-risk environment for misconduct, including child physical and sexual abuse. While child physical and sexual abuse is one type of misconduct, it is important to remember that this policy covers many inappropriate behaviors that do not involve children at all. This policy applies regardless of the ages of the individuals involved in the alleged activity.

Here, we identify six primary types of misconduct:

- Sexual Misconduct (including Child Sexual Abuse)
- Emotional Misconduct
- Physical Misconduct
- Bullying
- Harassment (including sexual harassment)
- Hazing

**All forms of misconduct are intolerable and in direct conflict with the Olympic Ideals.**

**US Biathlon encourages everyone to take SafeSport Training:**

**<http://training.teamusa.org/brands/details?brandId=6>**

# I. DEFINITIONS

## Misconduct

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.

## Child, children, minor and youth

Anyone under the age of 18. Here, “child,” “children,” “minor” and “youth” are used interchangeably.<sup>1</sup>

## Participants

Participants are 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 supersede, replace, or otherwise abrogate the USBA bylaws or the Ted Stevens Olympic and Amateur Sports Act.***

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<sup>1</sup> Saul J, Audage NC. *Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures*. Atlanta (GA): Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; 2007.

## II. SAFE SPORT POLICY

### A. APPLICATION

This Policy applies to:

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

collectively, "constituents".

### B. COMMITMENT TO SAFETY

The USBA is committed to creating a safe and positive environment for athletes' physical, emotional and social development and to ensuring that it promotes an environment free of misconduct.

The USBA recognizes that the process for training and motivating athletes will vary, but it is nevertheless important for everyone involved in sport to support the use of motivational training methods that avoid misconduct.

The USBA requires criminal background checks for those individuals it formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes. 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.

Reporting obligations are set forth in the USBA's Reporting Policy.

## **C. PROHIBITED CONDUCT**

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

- Child sexual abuse
- Sexual misconduct
- Emotional misconduct
- Physical misconduct
- Bullying
- Harassment
- Hazing

## Child Sexual Abuse

(1) Any sexual activity with a minor athlete or participant where consent is not or cannot be given. This includes sexual contact with a minor athlete or participant that is accomplished by deception, manipulation, force or threat of force, regardless of the age of the participants, and all sexual interactions between an adult and a minor athlete or participant, regardless of whether there is deception or the minor athlete or participant understands the sexual nature of the activity.

**Note concerning peer-to-peer child sexual abuse:** Sexual contact between minors also can be abusive. Whether or not a sexual interaction is between children constitutes, child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power and/or intellectual capabilities.

(2) Any act or conduct described as child sexual abuse under federal or state law.

**Exception:** None

### **Examples**

Sexually abusive acts may include sexual penetration, sexual touching or non-contact sexual acts such as verbal acts, sexually suggestive electronic or written communications, exposure or voyeurism.

## Emotional Misconduct

(1) A pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to an athlete or participant, regardless of age. Non-contact behaviors include:

- a. verbal acts
- b. physical acts
- c. acts that deny attention or support

(2) Any act or conduct described as emotional abuse or misconduct under federal or state law (e.g. child abuse, child neglect).

### **Exception**

Emotional misconduct does not include professionally-accepted coaching methods of skill enhancement, physical conditioning, team building, discipline or improving athletic performance.

**Examples:** Examples of emotional misconduct prohibited by this policy include, without limitation:

(1) **Verbal Acts.** A pattern of verbal behaviors that (a) repeatedly attack an athlete personally (e.g., calling them worthless, fat or disgusting) or (b) repeatedly and excessively yelling at a particular participant or participants in a manner that serves no productive training or motivational purpose.

(2) **Physical Acts.** A pattern of physically aggressive behaviors, such as (a) throwing sport equipment, water bottles or chairs at, or in the presence of, participants; or (b) punching walls, windows or other objects.

(3) **Acts that Deny Attention and Support.** A pattern of (a) ignoring an athlete for extended periods of time or (b) routinely or arbitrarily excluding participants from practice.

**Note: Bullying, harassment, and hazing, defined below, often involve some form of emotional misconduct.**

### **Physical Misconduct**

(1) Contact or non-contact conduct that results in, or reasonably threaten to, cause physical harm to an athlete or participants, regardless of age; or

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

### **Exceptions**

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

### **Examples**

Examples of physical misconduct prohibited by this Policy include, without limitation:

(1) **Contact offenses.** Behaviors that include: (a) punching, beating, biting, striking, choking or slapping an athlete; (b) intentionally hitting an athlete with objects or sporting equipment;

(2) **Non-contact offenses.** Behaviors that include: (a) isolating an athlete in a confined space (e.g., locking an athlete in a small space); (b) 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); (c) withholding, recommending against or denying adequate hydration, nutrition, medical attention or sleep. (d) providing alcohol to an athlete under the legal drinking age (under U.S. law); (e) providing illegal drugs or non-prescribed medications to any athlete; (f) encouraging or permitting an athlete to return

to play pre-maturely following a serious injury (e.g., a concussion) and without the clearance of a medical professional; (g) prescribing dieting or other weight-control methods (e.g., weigh-ins, caliper tests) without regard for the nutritional well-being and health of athlete.

***Note: Bullying, harassment and hazing, defined below, often involve some form of physical misconduct.***

### **Sexual Misconduct**

(1) Any touching or non-touching sexual interaction that is (a) nonconsensual or forced, (b) coerced or manipulated, or (c) perpetrated in an aggressive, harassing, exploitative or threatening manner;

(2) Any sexual interaction between an athlete and an individual with evaluative, direct or indirect authority. Such relationships involve an imbalance of power and are likely to impair judgment or be exploitative; or

(3) Any act or conduct described as sexual abuse or misconduct under federal or state law (e.g. sexual abuse, sexual exploitation, rape)

**Note: An imbalance of power is always assumed between a coach and an athlete, but see Comment 1.**

***Exceptions:*** None, but see Comment 1.

### ***Examples***

Types of sexual misconduct prohibited under this Policy include:

- . (1) sexual assault,
- . (2) sexual harassment,
- . (3) sexual abuse, or
- . (4) any other sexual intimacies that exploit an athlete. **Minors cannot consent to sexual activity with an adult**, and all sexual interaction between an adult and a minor is strictly prohibited.

Examples of sexual misconduct prohibited under this Policy include, without limitation:

(1) **Touching offenses.** Behaviors that include: (a) fondling an athlete's breasts or buttocks (b) exchange of reward in sport (e.g., team placement, scores, feedback) for sexual favors (c) genital contact (d) sexual relations or intimacies between persons in a position of trust, authority and/or evaluative and supervisory control over athletes or

other sport participants.

**Comment 1**

**(1) Authority and Trust.** Once the unique coach-athlete relationship is established, the authority and trust on the part of the coach over the athlete shall be assumed, regardless of age. Accordingly, sexual interaction or intimacies between a coach and an athlete or other participant are prohibited, regardless of age, both during coaching and during that period following coaching if an imbalance in power could jeopardize effective decision-making.

**Imbalance of Power.** Factors relevant to determining whether there is an imbalance of power include, but are not limited to: (a) the nature and extent of the coach's supervisory, evaluative or other authority over the athlete being coached; (b) the actual relationship between the parties; (c) the parties' respective roles; (d) the nature and duration of the sexual relations or intimacies; (e) the age of the coach; (f) the age of the athlete or participant; (g) and whether the coach has engaged in a pattern of sexual interaction with other athletes or participants.

**(2) Exception.** This section does not apply to a pre-existing relationship between two spouses or life partners.

**(2) Non-touching offenses.** Behaviors that include: (a) a coach discussing his or her sex life with an athlete

- . (b) a coach asking an athlete about his or her sex life
- . (c) coach requesting or sending a nude or partial-dress photo to athlete
- . (d) exposing athletes to pornographic material
- . (e) sending athletes sexually explicit or suggestive electronic or written messages or photos (e.g. "sexting")
- . (f) deliberately exposing an athlete to sexual acts
- . (g) deliberately exposing an athlete to nudity (except in situations where locker rooms and changing areas are shared)
- . (h) sexual harassment; specifically, the sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, and

- 1) is unwelcome, offensive or creates a hostile environment, and the offending individual knows or is told this, and
- 2) is sufficiently severe or intense to be harassing to a reasonable person in the context.

### **Bullying**

(1) An intentional, persistent and repeated pattern of committing, or willfully tolerating by another person, physical and non-physical behaviors that are intended, or have the reasonable potential, to cause fear, humiliation or physical harm in an attempt to socially exclude, diminish or isolate the targeted athlete(s), as a condition of membership

(2) Any act or conduct described as bullying under federal or state law

### **Exceptions**

Bullying does not include group or team behaviors that (a) are meant to establish normative team behaviors, or (b) promote team cohesion.

For example, bullying does not include verbal admonitions to encourage team members to train harder and to push through a difficult training regimen.

### **Examples**

Examples of bullying prohibited by this Policy include, without limitation:

(1) **Physical behaviors.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking, or slapping an athlete; (b) throwing at, or hitting an athlete with, objects such as sporting equipment.

(2) **Verbal and emotional behaviors.** Behaviors that include (a) teasing, ridiculing, intimidating; (b) spreading rumors or making false statements; or (c) using electronic communications, social media, or other technology to harass, frighten, intimidate or humiliate (“cyber bullying”).

### **Harassment**

(1) A repeated pattern of physical and/or non-physical behaviors that (a) are intended to cause fear, humiliation or annoyance, (b) offend or degrade, (c) create a hostile environment or (d) reflect discriminatory bias in an attempt to establish dominance, superiority or power over an individual athlete or group based on gender, race, ethnicity, culture, religion, sexual orientation, gender expression or mental or physical disability; or

(2) Any act or conduct described as harassment under federal or state law.

### ***Exceptions***

None

### ***Examples***

Examples of harassment prohibited by this Policy include, without limitation:

(1) **Physical offenses.** Behaviors that include (a) hitting, pushing, punching, beating, biting, striking, kicking, choking or slapping an athlete or participant; (b) throwing at or hitting an athlete with objects including sporting equipment.

(2) **Non-physical offenses.** Behaviors that include (a) making negative or disparaging comments about an athlete's sexual orientation, gender expression, disability, religion, skin color, or ethnic traits; (b) displaying offensive materials, gestures, or symbols; (c) withholding or reducing playing time to an athlete based on his or her sexual orientation.

### **Hazing**

(1) Coercing, requiring, forcing or willfully tolerating any humiliating, unwelcome or dangerous activity that serves as a condition for (a) joining a group or (b) being socially accepted by a group's members; or

(2) Any act or conduct described as hazing under federal or state law

### ***Exception***

Hazing does not include group or team activities that (a) are meant to establish normative team behaviors or (b) promote team cohesion.

### ***Examples***

Examples of hazing prohibited by this Policy include, without limitation:

(1) requiring, forcing or otherwise requiring the consumption of alcohol or illegal drugs

(2) tying, taping or otherwise physically restraining an athlete

(3) sexual simulations or sexual acts of any nature

(4) sleep deprivation, otherwise unnecessary schedule disruption or the withholding of water and/or food

(5) requiring social actions (e.g. grossly inappropriate or provocative clothing) or public displays (e.g. public nudity) that are illegal or meant to draw ridicule

(6) beating, paddling or other forms of physical assault

(7) excessive training requirements focused on individuals on a team

<p><b>Comment 2:</b> Activities that fit the definition of hazing are considered to be hazing regardless of an athlete's willingness to cooperate or participate.</p>
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## **D. WILLFULLY TOLERATING MISCONDUCT**

It is a violation of this Safe Sport Policy if a constituent knows of misconduct, but takes no action to intervene on behalf of the athlete(s), participant(s), staff member, and/or volunteer.

## **E. REPORTING**

Although these policies are designed to reduce child sexual abuse and other misconduct, it can still occur. Violations of the Safe Sport Policy shall be reported pursuant to our Reporting Policy and will be addressed under our Disciplinary Rules and Procedure.

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

### **III. TRAINING AND EDUCATION**

USBA staff and athletes in the US Anti-Doping Registered Testing Pool (RTP) should have a basic understanding of sexual abuse, as well as “grooming” – the most common strategy used by offenders to seduce their victims. Using a combination of attention, affection and gifts, offenders win the victim’s trust (and the trust of the victim’s parent or guardian where the victim is a minor), manipulate the victim into sexual activity, and keep the victim from disclosing abuse.

USBA staff must complete an awareness training concerning misconduct with a refresher course every two years. Athletes in the US Anti-Doping Registered Testing Pool (RTP) are asked to take the training as well. This training focuses on the six categories of misconduct:

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

**All forms of misconduct are intolerable and in direct conflict with the Olympic Ideals.**

**US Biathlon encourages everyone to take SafeSport Training:**

**<http://training.teamusa.org/brands/details?brandId=6>**

## IV. REPORTING AND DISCIPLINE

### A. APPLICATION

This reporting policy applies to:

- USBA employees, coaches, contracted staff, volunteers, board members, committee and task force members, and other individuals working with athletes or other sport participants while at an USBA conducted activity, whether or not they are employees of the USBA
- Athletes over the age of 18 who are training and/or residing at a USOC Olympic Training Center or participating in a USBA conducted activity.  
(collectively, “constituents”)

### B. REPORTING POLICY

Every constituent must report: (1) violations of the USBA’s Safe Sport Policy, (2) suspicions or allegations of child physical or sexual abuse.

**As a matter of policy, the USBA does not investigate suspicions or 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.**

#### Reporting Child Physical or Sexual Abuse

##### *Child Physical or Sexual Abuse*

Constituents are required to report rumors, suspicions or allegations of child sexual abuse by an athlete, colleague or co-worker, to:

- A US Biathlon senior staff member
- US Biathlon CEO
- Chair of the US Biathlon Board
- Where applicable, **appropriate law enforcement authorities.**

**Peer-to-Peer Sexual Abuse** Approximately 1/3 of all child sexual abuse occurs at the hands of other children and the obligation to report extends to peer-to-peer child sexual abuse. Whether or not a sexual interaction between children constitutes child sexual abuse turns on the existence of an aggressor, the age difference between the children, and/or whether there is an imbalance of power or intellectual capabilities. **If constituents have any concerns that an interaction between children may constitute sexual abuse, report it *immediately* to the appropriate law enforcement authorities and a manager or supervisor, Human Resources, the Legal Affairs Division, or the Director of SafeSport.**

### **Reporting Misconduct and Policy Violations**

If a constituent receives an allegation or observes misconduct or other inappropriate behavior, such as grooming, it is the responsibility of each staff member and/or volunteer to report their observations to:

- A US Biathlon senior staff member
- US Biathlon CEO
- Chair of the US Biathlon Board
- Where applicable, **appropriate law enforcement authorities.**

The USBA also encourages member parents, athletes and other sport participants to communicate violations of the USBA's Safe Sport Policy and/or allegations and suspicions of child physical and sexual abuse.

**How to Report** The USBA will take a report in the way that is most comfortable for the person initiating a report including an anonymous, in-person, verbal or written report. Regardless of how you choose to report, it is helpful to the USBA for individuals to provide, at a minimum, (1) the name of the complainant(s); (2) the type of misconduct alleged and the name(s) of the individual(s) alleged to have committed the misconduct. **Reporting Form** Individuals reporting child physical or sexual abuse or other misconduct may complete an Incident Report Form. Information on this form includes:

- 1) the name(s) of the complainant(s)
- 2) the type of misconduct alleged
- 3) the name(s) of the individual(s) alleged to have committed the misconduct
- 4) the approximate dates the misconduct was committed

- 5) the names of other individuals who might have information regarding the alleged misconduct
- 6) a summary statement of the reasons to believe that misconduct has occurred

The USBA will withhold the complainant's name on request, to the extent permitted by law. Find the reporting form at the end of this document or online at our SafeSport page under point 4. Reporting by following this URL:

<http://www.teamusa.org/US-Biathlon/Resources/SafeSport>

## **C. CONFIDENTIALITY, ANONYMOUS REPORTING 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.

### **Anonymous Reporting**

The USBA recognizes it can be difficult to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. **Anonymous reports may be made without the formality of completing an Incident Report Form:**

- by completing the Reporting Form without including their name
- by expressing concerns verbally
- through email, texts or notes left.

**However, anonymous reporting may make it difficult for the USBA to investigate or properly address allegations.**

All suspicions of child physical or sexual abuse will be reported to the appropriate law enforcement 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.

## **D. DISCIPLINE**

The USBA will address allegations against constituents under relevant organizational policies (e.g., employment policies and procedures, Bylaws).

## V. INVESTIGATION AND ADJUDICATION—FOR RESOLVING ALLEGATIONS PURSUANT TO THE TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT (TED STEVENS ACT)

The USBA utilizes this Investigation and Adjudication procedure to resolve those allegations that are governed by the Ted Stevens Act.

On receipt of an allegation of misconduct, as defined in the USBA's Safe Sport Policy, that does not involve child physical or sexual abuse.

The USBA shall determine the appropriate steps to address the conduct based on several factors, including (i) the age of the complainant or victim, (ii) the age of the accused and (iii) the nature, scope and extent of the allegations. Such steps may include, without limitation:

- The collection of additional information from the individual in question, other individuals with potential knowledge or evidence of the incident or the accused individual
- Formal investigation and hearing
- Retention of legal counsel or investigation services to investigate and/or make a recommendation as to whether a violation of the relevant policy has occurred and/or a recommendation as to the appropriate sanction

Where serious allegations of misconduct are at issue (e.g., physical and sexual misconduct as defined in our Safe Sport Policy), the USBA may elect in its discretion to undertake a full investigation and hearing before determining the appropriate disciplinary action. **This investigation and/or hearing will in no way interfere with an ongoing criminal investigation or prosecution.**

### A. SUSPENSION BEFORE FINAL RESOLUTION

If the reported complaint indicates that an individual's continued employment, membership or participation poses a risk of ongoing physical or emotional harm, the USBA may wish to suspend the accused individual pending final resolution of the complaint to eliminate any danger to an athlete, sport participant or other individual. In such instances, the USBA will provide the individual with notice and offer her/him an opportunity to contest the suspension.

The USBA may suspend the accused individual 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, an other national governing body or an 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.

Any suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused individual within 14 days of the suspension.

## **B. INVESTIGATION**

As appropriate, and at its discretion, the USBA may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct). However, the USBA anticipates that an investigation and hearing will be undertaken to address only the most serious allegations and patterns of behavior that warrant significant sanctions. **Accordingly, the USBA anticipates that this disciplinary procedure will be used rarely.**

If an investigation is conducted, the complainant, victim and accused individual shall have the right to:

- a) Receive written notice of the report or complaint, including a statement of allegations
- b) Present relevant information to the investigator(s)
- c) Legal counsel, at his or her own expense

## **C. HEARING**

In every case where a hearing is warranted pursuant to this Policy, an adjudication shall be conducted that shall in all cases comply with the USBA's bylaws, specifically Chapter 31 Hearing Procedures and Appeals. The adjudication shall further conform to the provisions and principles set out hereafter. However, deviations in one or more of the

procedural safeguards are permitted, provided the following conditions are satisfied:

- a) The individual is informed of the allegations and evidence brought against him or her
- b) The individual is given a reasonable opportunity to respond to the allegations brought forward
- c) The individual may be represented by legal counsel at his or her expense
- d) The panel member(s) who make the determination are free of conflicts of interests and render an unbiased decision
- e) There is a right to appeal the panel's decision.

### **Preliminary Determination**

**On receipt of a disclosure and/or additional information made pursuant to this Policy, 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 as outlined in Chapter 30, Section 10 of the USBA Bylaws or whether matter requires referral to the Hearing Committee and creation of a Hearing Panel as described in Chapter 31 of the USBA Bylaws.

### **Notice of a Hearing**

The accused individual will be notified of a specific date and time to ensure that he or she is available for the hearing. Unless the Hearing Panel requires the individual to attend the hearing in person, the individual may appear by telephone conference call. The individual has the right to be represented by legal counsel at the hearing, provided that the counsel's participation may be subject to the reasonable hearing rules related to the conduct of the hearing.

### **Timing**

The Hearing Panel shall have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the accused individual, and provided that it is necessary to expedite the

proceeding to resolve a matter relating to scheduled training or competition, the Hearing Panel may render an expedited determination.

### **Evidence**

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Panel to consider. The Panel may require or permit documentary evidence, such as the written report of any investigator or other fact-finder, before the hearing and that the names of any witnesses be disclosed before the hearing. The Panel may also consider another organization's determination as evidence to be considered.

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.

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.

### **Findings and Sanctions**

The Panel has the discretion to impose sanctions on the individual if it finds based on a preponderance of the evidence that emotional, physical or sexual misconduct has occurred.

The Panel will communicate its finding to the individual. The Panel may impose sanctions on the individual in its findings.

Any sanctions imposed by the Panel against the individual must 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.

For the purposes of this Policy, a suspension from sport involvement shall mean that the individual may not participate in any capacity or in any role in the business, events or activities of the USBA for the duration of the period of suspension.

In the event that the allegation is made against an athlete, the Panel will communicate its findings to the USOC for a determination concerning continued access to an OTC.

### **Confidentiality**

The conduct of the hearing will be private. If the Panel determines that the individual has violated policy, it may publish its decision or a brief summary of its decision, unless the accused is a minor. However, if the individual appeals, the summary of the panel's decision will not be disclosed until an appellate decision has been made.

If the Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

## **D. APPEAL**

If the individual disagrees with the finding or sanction of the Panel and wishes to appeal, he or she may file an appeal with the AAA within 14 days of the USBA's finding. A decision rendered by the AAA shall be final and binding on all parties.



## SafeSport REPORTING FORM

The USBA recognizes it can be difficult for an athlete, teammate, friend or family member to report an allegation of misconduct and strives to remove as many barriers to reporting as possible. You may remain anonymous if you wish. However, where appropriate, the investigative process may require further input and anonymous reporting may make it difficult for the USBA to move forward with an investigation.

A report of abuse, misconduct or policy violation that is malicious, frivolous or made in bad faith is prohibited. Such reports will be considered a violation of the USBA's SafeSport policies 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.

\*Must be completed.

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### PERSON BEING REPORTED

Please provide as much information as possible about the person you are reporting.

\*First Name: \_\_\_\_\_

\*Last Name: \_\_\_\_\_

\*Position or Role \_\_\_\_\_

Age or Approximate Age: \_\_\_\_\_

Gender:     Male     Female

Submit to the USBA CEO, Chair of the USBA Board, or any USBA senior staff.

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## ALLEGED MISCONDUCT INFORMATION

Please provide as much specific information as you are able.

\*Type of Misconduct (Select All That Apply):

Bullying

Emotional

Hazing

Physical

Harassment

Sexual

Other \_\_\_\_\_

\*Location that the incident(s) took place: \_\_\_\_\_  
Write *Unknown* or city, state, specific location, etc. \_\_\_\_\_

\*Date(s) or Approximate Date(s) of Misconduct: \_\_\_\_\_

\*Description of Alleged Misconduct: \_\_\_\_\_  
Please include as much detail as possible. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Knowledge of victim(s) involved in the alleged offense:

I can identify the victim(s) involved.

I cannot identify the victim(s) involved.

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## VICTIM OR VICTIMS

If you are the victim and wish to remain anonymous, you may do so. In this case, please enter your name as *Anonymous*. You may also be unaware of who the victim is. In this case, please enter "*Unknown*."

\*First Name (or *Anonymous* or *Unknown*): \_\_\_\_\_

\*Last Name (or *Anonymous* or *Unknown*): \_\_\_\_\_

Age or Approximate Age: \_\_\_\_\_

Gender:  Male  Female

Additional Information: \_\_\_\_\_

Submit to the USBA CEO, Chair of the USBA Board, or any USBA senior staff.

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**Fill this section out if additional victims are involved.**

\*First Name (or *Anonymous* or *Unknown*): \_\_\_\_\_

\*Last Name (or *Anonymous* or *Unknown*): \_\_\_\_\_

Age or Approximate Age: \_\_\_\_\_

Gender:      Male      Female

Additional Information: \_\_\_\_\_

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**INDIVIDUAL(S) WHO MAY HAVE ADDITIONAL INFORMATION**

List anyone who may be able to provide *additional information* regarding the alleged offense.  
We will not identify you when we contact these individuals.

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Phone: ( \_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

NGB/USOC/Club Affiliation (or *None*): \_\_\_\_\_

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Phone: ( \_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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Submit to the USBA CEO, Chair of the USBA Board, or any USBA senior staff.

## REPORT SUBMITTED BY

You may remain anonymous if you wish. However, providing your information will make a swift and effective investigation more possible. To the extent permitted by law, and as appropriate, the USBA will keep this report and the complainant's name (upon request) confidential and not make public the names of potential victims, the accused perpetrator and the person who reported this incident of misconduct.

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 SafeSport policies and grounds for disciplinary action.

\*First Name (or *Anonymous*): \_\_\_\_\_

\*Last Name (or *Anonymous*): \_\_\_\_\_

Phone: ( \_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Relationship to Victim:

Self

Other Family Member

Club Member

Prefer Not to Say

Other \_\_\_\_\_

Parent/Guardian

Friend or Acquaintance

Coach or Volunteer

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## ADDITIONAL INFORMATION

Please provide any other information that you feel would be helpful to an investigation of the alleged offense you have reported.

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Submit to the USBA CEO, Chair of the USBA Board, or any USBA senior staff.