



**Policy Name:** Athlete Safety

**Date of Issuance:** 6-22-18

**Policy Owner:** Director of Athlete Safety

**Applies to:** BOD, USOC Staff, Others (as below)

## **Purpose:**

The U.S. Olympic Committee (“USOC”) is committed to the development and safety of athletes and participants involved in sport, including by supporting a safe and positive environment for physical, emotional and social development, ensuring an environment free of misconduct, and working cooperatively with the U.S. Center for SafeSport (“USCSS”). This policy sets forth standards and obligations to achieve that end.

## **Policy Statement:**

### I. Commitment to Athlete Safety

The USOC is committed to supporting a safe and positive environment for athletes’ physical, emotional and social development and to ensuring that it promotes a safe environment free of abuse and misconduct including bullying, hazing, harassment (including sexual harassment), and emotional, physical, and sexual abuse.

### II. Application

This Policy applies to:

- USOC 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 OTC or at the Olympic, Paralympic, Pan American, Parapan American, Youth Olympic or other Games in which the USOC sends athletes (“Delegation Events”).
- Athletes training and/or residing at a USOC Olympic Training Center, at a Delegation Event, or otherwise under the jurisdiction of the USOC when the USOC assumes the responsibility of a PSO or NGB.
- Individuals the USOC formally authorizes, approves or appoints to (a) a position of authority over or (b) have frequent contact with athletes.
- USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members, athletes and other individuals while attending or participating in a USOC sponsored event.

Throughout this Policy, “you” and “your” refer to people in these categories collectively.

All USOC employees, coaches, contracted staff, volunteers, board members, committee and task force members are also subject to all policies and procedures developed and

issued by the USCSS; USOC internal employment practices, policies and procedures (as applicable); and all federal, state, and local laws.

### III. Prohibited Conduct

You must refrain from all forms of misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct as set out in the SafeSport Code for the U.S. Olympic and Paralympic Movements (the “Code”) as adopted by the USCSS, and all other policies or procedures issued or adopted by the USCSS.

### IV. Reporting

#### A. Requirement to Report

You must report your knowledge or suspicion of any form of misconduct or abuse, including bullying, hazing, harassment (including sexual harassment), and emotional, physical, and sexual abuse as set out in the Code, and all other policies or procedures issued or adopted by the USCSS.

If you become aware of possible **sexual misconduct** you must report your knowledge to law enforcement and the USCSS within 24 hours.

- In case of an emergency, call 911
- If you suspect or know of child abuse, call local police
- USCSS telephone 720-531-0340
- Online: <https://safesport.org/report-a-concern> Online Reports are accepted 24 hours a day, 7 days a week.

Then follow-up with the Director of Athlete Safety, Chief Security Officer, or Legal Department.

- Phone: 719-866-3869
- Email: [safesport@usoc.org](mailto:safesport@usoc.org)
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

Federal law requires all suspected child abuse, including sexual abuse, to be reported to both the USCSS and appropriate law enforcement authorities. The USOC 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.

If you become aware of possible abuse that is **non-sexual in nature** (e.g., physical misconduct; verbal/emotional misconduct; bullying; hazing, and harassment) you must

report your knowledge to USOC (Director of Athlete Safety, Human Resources, Legal Department, Chief Security Officer, or manager/supervisor)

- Phone: 719-866-3869
- Email: [safesport@usoc.org](mailto:safesport@usoc.org)
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

As well, if you suspect or know of child abuse or other criminal activity, appropriate law enforcement authorities.

## B. How to Report

The USOC will accept a report in whatever way is most comfortable for you including an anonymous, in-person, verbal, or written report. Regardless of how you choose to report, it is helpful if the report includes the following information:

- the name(s) of the complainant(s);
- the type of misconduct alleged;
- the name(s) of the individual(s) alleged to have committed the misconduct,
- the approximate dates the misconduct was committed;
- the names of other individuals who might have information regarding the alleged misconduct; and,
- a summary statement of the reasons to believe that misconduct has occurred.

Reports to the USOC may be made on an Incident Reporting Form, which can be found on the USOC website at: <https://www.teamusa.org/SafeSport-Reporting-Form>

**All reports of suspected child abuse made to the USOC will be forwarded to the USCSS and appropriate law enforcement authorities.**

## C. Confidentiality, Anonymous Reporting, and Bad Faith Allegations

To the extent permitted by law, and as appropriate, the USOC will keep confidential the names of the complainant on request, the potential victims, and the accused perpetrator. However, anonymous reporting may make it difficult for the USOC to properly address allegations.

Regardless of outcome, the USOC will support the complainant(s) and his or her right to express concerns in good faith. The USOC 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. Any allegations of such retaliation should be reported using the same process as for reporting an initial concern.

A report of abuse, misconduct or policy violations that is malicious, frivolous or made in bad faith, is prohibited. 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.

## V. Investigation and Resolution

### A. General

Pursuant to the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (“the Act”), the USCSS has jurisdiction with respect to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse. The Act requires the USCSS to develop policies and procedures and conduct oversight to prevent the abuse of amateur athletes. The USOC will adopt and abide by any policies or procedures mandated by the USCSS as required by law, which may necessitate changes or supplements to this Policy.

As required by federal law, all allegations of suspected child abuse will be reported to both the USCSS and appropriate law enforcement authorities.

Other matters reported to the USOC and not subject to USCSS jurisdiction will be resolved by the USOC as described in subsection C below.

### B. Matters Referred to the U.S. Center for SafeSport

Matters referred to the USCSS will be investigated and resolved by the USCSS pursuant to federal law, the SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement, and any other policies and procedures that the USCSS may adopt.

### C. Matters Investigated and Resolved by the USOC

Matters within the jurisdiction of the USOC instead of the USCSS may be investigated and resolved pursuant to procedures as determined by the USOC. For example, employment matters will be determined by the USOC’s policy and procedures affecting USOC employees, and contractor matters may be determined as a matter of contract. In other cases, the USOC may apply the following general steps, subject to any additional procedures that the USCSS may require.

#### 1. Receipt of Report

Upon receipt of a report, the USOC may 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; and,
- reports to law enforcement

This investigation and/or hearing will not be conducted in a way intended to interfere with an ongoing criminal investigation or prosecution, or any ongoing investigation by the USCSS.

## 2. Preliminary Suspension/Interim Measures

If the reported complaint indicates that an individual's continued participation poses a material risk of ongoing physical or emotional harm, the USOC may preliminarily suspend or impose other interim measures against the accused individual pending final resolution of the complaint to eliminate such risk or harm. In such instances, the USOC will provide the individual with notice and offer her/him an opportunity for a hearing to contest the preliminary suspension or other interim measure.

For the purposes of this Policy, a preliminary suspension means that the accused individual may not participate in any capacity or in any role in the business, events, or activities of the USOC.

Any preliminary suspension or interim measure may be appealed to the American Arbitration Association ("AAA") at the written request of the accused individual within 14 days of the suspension or imposition of the interim measure.

## 3. Investigation

As appropriate, and at its discretion, the USOC may institute a formal investigation and hearing procedure to address serious allegations of misconduct (e.g., physical and sexual misconduct).

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

- receive written notice of the report or complaint, including a statement of allegations;
- present relevant information to the investigator(s); and,
- legal counsel, at his or her own expense.

## 4. Hearing

### a. Procedural Safeguards

In every case where a hearing is conducted pursuant to this Policy, it will comply with the USOC Bylaws, provided that deviations in one or more of their

procedural safeguards are permitted where all of the following conditions are satisfied:

- the individual is informed of the allegations and evidence brought against him or her;
- the individual is given a reasonable opportunity to respond to the allegations brought forward;
- the individual may be represented by legal counsel at his or her expense;
- the Review Panel member(s) who make the determination can render an unbiased decision; and,
- there is a right to appeal the Review Panel's decision.

b. Review Panel

On receipt of a disclosure and/or additional information made pursuant to this Policy, if the USOC Director of Athlete Safety 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, s/he will notify the Review Panel. The Review Panel will consist of the USOC Chief of Sport Operations or his/her designee, the USOC Chief of Sport Performance or his/her designee, the USOC Managing Director of Human Resources or his/her designee, the USOC Chief of Security or his/her designee, and a representative from USOC Legal.

c. Notice

The accused individual will be notified of a specific hearing date and time to ensure that he or she is available for the hearing. Unless the Review 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.

d. Timing

The Review Panel will 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 Review Panel may render an expedited determination.

#### e. Evidence

At the hearing, the accused individual will be allowed to present any reasonable evidence or argument that he or she wishes the Review Panel to consider. The Review 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 Review 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 Review Panel may proceed in the accused individual's absence if it cannot locate the individual or if the individual declines to attend the hearing.

#### f. Findings and Sanctions

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

The decision regarding the appropriate sanction shall be up to the Review Panel deciding each complaint. In imposing a sanction, the Review Panel will consider:

- whether the individual poses an ongoing concern for the safety of the USOC's athletes and participants;
- the seriousness of the offense or act;
- the ages of the accused individual and alleged victim when the offense or act occurred;
- any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct; and
- 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 USOC or other sanctions. Suspensions may be temporary or permanent.

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

g. Confidentiality

The conduct of the hearing will be private. If the Review Panel determines that the individual has violated policy, it may publish its decision or a 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 Review Panel determines the accused individual did not violate the relevant policy, the panel will publish a summary only at the individual's written request.

h. Appeal

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

VI. Loss of Benefits

If you have violated this Policy, or any policy adopted by the USCSS, and you have received certain USOC benefits such as monetary support or grants, access to Olympic Training Centers, educational and other support programs, participation in the U.S. delegation at a Delegation Event, etc., you may, at the discretion of the USOC, lose those benefits.

In the event that a preliminary suspension or other interim measure is imposed on you, the USOC may suspend any such benefits. If you are then found not to have committed a violation, the suspension will be lifted and, where it includes cash payments, such suspended payments will be paid. If such a payment is made to you after you have been accused of a violation, but prior to a final determination, and you are then found to have committed a violation, you may be obligated to repay the payment.

As noted above, employment matters will be determined by the USOC's policy and procedures affecting USOC employees and contractor matters may be determined as a matter of contract, consistent with any policies and procedures adopted by the USCSS.



## VII. Training and Education

The following individuals must complete a SafeSport awareness training and education program at least every two years:

- USOC employees and board members;
- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes; and
- others as determined by the USOC in its discretion or as required by USCSS.

To the extent possible, the required education and training will be based on materials and information available from the USCSS.

## VIII. Background Search

In addition to the background search requirements applicable to USOC employees and board members and to individuals attending Delegation Events under other USOC policies, the following individuals must also undergo a background search every two years:

- individuals the USOC formally authorizes, approves or appoints (a) to position of authority over or (b) to have frequent contact with athletes;
- adult U.S. residents residing at a USOC Olympic Training Center; and
- others as determined by the USOC in its discretion or as required by USCSS.