



Policy Name: USOPC Athlete Safety Policy

Date of Issuance: 01-20-2020

Policy Owner: Vice President of Athlete Safety

Applies to: BOD, USOPC Staff, and Others (as below)

Purpose: To establish clear policy, communication, and coordination requirements for USOPC Participants and USOPC departments.

Policy Statement: The USOPC is committed to the safety and wellbeing of athletes and Participants, as defined by the U.S. Center for SafeSport’s (the “*Center*”) [SafeSport Code for the Olympic and Paralympic Movements](https://uscenterforsafesport.org/) (the “*Code*” which can be found at <https://uscenterforsafesport.org/>), involved in the U.S. Olympic and Paralympic Movement. As part of this commitment, the USOPC’s policy, prevention, and education efforts aims to create an environment free of emotional, physical and sexual misconduct and abuse, and to ensure effective and prompt action and resolution upon the occurrence of misconduct and/or abuse. Federal legislation and the *Center* both promulgate rules, policies, and procedures to protect and govern the wellbeing of athletes and this policy reinforces and builds on those principles by providing specific application for the USOPC.

Section 1. Definitions

1.1 Terms

Capitalized and italicized terms are defined terms for purposes of this Athlete Safety Policy (the “*Policy*”). This means that they have a specific meaning whenever they are used in this *Policy*. Section 13 sets out all defined terms for purposes of this *Policy*, and their meanings.

Section 2. Application

2.1 Participants

This *Policy* applies to those individuals defined as Participants by the *Center’s Code*, and this definition is incorporated into this *Policy*. Specifically, this *Policy* applies to the following individuals (“*Participants*”):

- USOPC employees;
- Members of the USOPC Board of Directors and Paralympic Advisory Council;

- All *USOPC Contracted Staff* (defined in Section 13);
- Members of standing committee and task forces authorized by the USOPC;
- All individuals authorized, approved or appointed by the USOPC to be a member of the US Delegation at a *USOPC Delegation Event* (defined in Section 13);
- Individuals serving as a USOPC contracted program coach or personal coaches receiving funding through the USOPC;
- Athletes in the following additional categories:
 - Athletes training and/or residing at an Olympic & Paralympic Training Center (“*OPTC*”);
 - Para-athletes who are on National, Emerging Elite and/or International Nominated Teams, *Games* (defined in Section 13) long lists, Internationally Licensed, or competing at U.S. National Championships in the following Para-sports managed internally by the USOPC:
 - Cycling
 - Swimming
 - Track & Field
 - Alpine Skiing
 - Nordic Skiing
 - Snowboarding
 - Athletes authorized, approved, or appointed by the USOPC to attend or participate in a *USOPC Sponsored Event* (defined in Section 13).
- Volunteers, vendors or other individuals who are authorized, approved, or appointed by the USOPC to attend or participate in a *USOPC Sponsored Event*; and/or have access to an OPTC and:
 - Have authority over and/or regular contact with athletes; and/or
 - Have direct contact with athletes in a non-public space; and/or
 - Have access to athletes or athlete areas, in a non-public space.
- Nominees during the nomination process and individuals formally inducted into the U.S. Olympic and Paralympic Hall of Fame;
- International guests residing at an *OPTC* for more than 14 days;
- Individuals otherwise under the jurisdiction of the USOPC when the USOPC assumes the high performance management responsibilities for a sport where there is no

recognized National Governing Body (“*NGB*”), Paralympic Sport Organization (“*PSO*”), or High Performance Management Organization (“*HPMO*”);

- Any other individual determined by the USOPC to be a “*Participant*.”

2.1.1 Exception

In limited circumstances, the Office of Athlete Safety may determine an individual(s) otherwise meeting the definition of *Participant* in 2.1 will not be deemed to be a *Participant(s)*.

2.1.2 Dual Jurisdiction

In addition to this *Policy*, USOPC Participant may also be subject to athlete safety policies, and other policies, of an *NGB*, *PSO*, and/or *HPMO*.

2.2 USOPC Department Responsibilities

Each USOPC Department will undertake the following:

2.2.1 Identification of Participants

Each USOPC Department is responsible for the identification of individuals, as prescribed by the guidance in the [Participants Coverage Model](#) (which can also be found on the USOPC Policies and Procedures page on Sharepoint), who meet the definition of Participant.

2.2.2 Vetting of Participants

Each USOPC Department will work with the Office of Athlete Safety to vet Participants it identifies under Section 2.2.1 against the *Center’s* adjudication log.

2.2.3 Tracking Compliance with Education and Training Requirements

Each USOPC Department will track compliance with education and training requirements for Participants it identifies under Section 2.2.1.

2.2.4 Enforcement of Temporary Measures and Sanctions.

Each USOPC Department will assist in the enforcement of *Temporary Measures* (defined in Section 13) and sanctions as communicated by the Office of Athlete Safety.

Section 3. Jurisdiction

3.1 Coverage

For purposes of this *Policy*, the USOPC shall have jurisdiction to investigate, and resolve, allegations of *Prohibited Conduct* (as defined in Section 5) that are not within the *Center's* exclusive jurisdiction or where the *Center* declines jurisdiction AND one of the following applies:

- The *Center* has referred the matter to the USOPC;
- The allegations involve a *Respondent* (defined in Section 13) who is a USOPC *Participant* as identified in Section 2.1 above;
- The alleged *Prohibited Conduct* took place at:
 - A *USOPC Delegation Event*;
 - A *USOPC Sponsored Event*;
 - An *OPTC*;
 - An office of the USOPC; or
 - Any other event, including but not limited to, travel, lodging, practice, competition, and health or medical treatment, which is organized, operated, formally sanctioned, or formally authorized by the USOPC;
- The alleged *Prohibited Conduct* took place during proceedings, including investigations and hearings, addressed in this *Policy*.

3.1.1. Exception

In limited circumstances, the USOPC may refer allegations of *Prohibited Conduct* for which the USOPC would otherwise have jurisdiction to the appropriate *NGB*, *PSO*, or *HPMO*.

3.2 USOPC Employees

Allegations of *Prohibited Conduct* (as defined in Section 5) against USOPC employees will be addressed through the USOPC's employment policies, and may also be addressed under this *Policy*.

Section 4. Prevention Policies

4.1 Background Check Policy

Certain individuals are subject to, and must comply with, the USOPC's Background Check Policy and Procedures, which can be found at [USOPC Background Check Policy and Procedures](#) (and can also be found on the USOPC Policies and Procedures page on Sharepoint).

4.2 Training and Education

4.2.1 Adults Required to Complete Mandatory *Center* Training

The following adults at the USOPC must remain current with the *Center's* education and training requirements, which includes by complying with Sections 4.2.2 and 4.2.3, below:

- Adult *Participants* who have regular contact with amateur athletes who are *Minors* (defined in Section 13);
- An adult authorized by the USOPC to have regular contact with or authority over an amateur athlete who is a *Minor*;
- Adult staff and board members of the USOPC;
- Other adults as determined by the USOPC in its discretion, or as required by the *Center*.

4.2.2 Core Center for SafeSport Training; Timing

The individuals listed above must complete the *Center's* Core Center for SafeSport Training (i.e., the *Center's* online training or the *Center's* approved in-person training):

- Within 45 days after beginning a new role that makes the adult subject to this *Policy*; or, if earlier,
- Before regular contact begins with an amateur athlete who is a *Minor*.

The Core Center for SafeSport Training is available at <https://safesport.org/>

4.2.3 Refresher Course

The individuals listed above must also complete the refresher course on an annual basis starting the calendar year following completion of the Core Center for SafeSport Training. The refresher courses are available at <https://safesport.org/>.

4.2.4 Additional USOPC Training and Requirements

The USOPC may require the individuals listed above and other *Participants* to take additional athlete safety training.

4.2.5 *Minor* Training

The USOPC will, subject to parental/guardian consent, annually offer and provide training to *Participants* who are *Minors* on prevention and reporting of *Child Abuse*. The USOPC will track:

- A description of the training(s);
- The date the training(s) was offered and given; and
- A description of how the training(s) was offered and given.

4.2.6 Exemptions

Exemptions from these training and education requirements may be made on a case-by-case basis for victims/survivors. Requests may be made directly to the U.S. Center for SafeSport at ngbservices@safesport.org or to the USOPC at athlete.safety@usopc.org.

4.2.7 Accommodations

The USOPC will work with individuals with disabilities on a case-by-case basis, to develop appropriate accommodations so they may satisfy the training and education requirements of this *Policy*.

4.3 MAAPP

The Mandatory Components of the “Required Prevention Policies” of the [Minor Athlete Abuse Prevention Policies](#) (“*MAAPP*”) (which can also be found on the USOPC Policies and Procedures page on Sharepoint) are hereby incorporated into this *Policy* by reference, subject to the following modifications and guidance:

- “Covered Organization” as used in *MAAPP* means the USOPC.
- “Applicable Adults” as used in *MAAPP* means “*Participants*” as defined in this *Policy*.
- A “facility partially or fully under our jurisdiction,” as used in *MAAPP*, means a facility that is owned, rented, or leased by the USOPC, whether in whole or in part.
- Subject to review by the Office of Athlete Safety, USOPC departments are permitted to develop protocols or guidelines for implementation of the *MAAPP* that are more restrictive than the Mandatory Components, but not less.

All Participants are expected to be familiar with *MAAPP*, especially because the *MAAPP* requirements may impact day-to-day activities.

Section 5. Prohibited Conduct

The following constitutes “*Prohibited Conduct*” under this *Policy*:

5.1 Violation of the *Code*

The USOPC adopts and incorporates herein the definitions of Prohibited Conduct, as defined in the *Code* (which can be found at <https://uscenterforsafesport.org/>). Any defined terms in the Prohibited Conduct definitions of the *Code* shall have the same meaning in this *Policy*. Some definitions of Prohibited Conduct in the *Code* may refer to the *Center*. For purposes of this *Policy*, those references to the *Center* will mean the USOPC.

Participants are prohibited from engaging in conduct (or failing to report misconduct and/or abuse, if applicable) in violation of the *Code*. In addition, all *Participants* are subject to the *Code* and the jurisdiction of the *Center*.

5.2 Violation of *MAAPP*

Participants are prohibited from violating *MAAPP*, as incorporated and modified by the USOPC in Section 4.3 above.

5.3 Violation of the USOPC's Process

Participants are prohibited from engaging in the following conduct related to the USOPC's procedures:

5.3.1 Failure to Report *Prohibited Conduct*

Failing to make a report as required under this *Policy*.

5.3.2 Other Violations of the USOPC's Process

Any of the following conduct, as defined in the *Code*, constitutes *Prohibited Conduct*. For the sake of clarity, where the *Code* refers to the *Center* and its processes when discussing those violations, it will be interpreted to apply to the USOPC and its processes.

- Retaliation
- Aiding and Abetting
- Intentionally Filing a False Allegation, and
- Abuse of Process

Section 6 Reporting

This Section provides guidance on what to report, to whom to report and how to do so. **The reporter's vital job is simply to report the allegation to the appropriate entity(ies). DO NOT evaluate the credibility of the allegation, gather additional information, or investigate it. Individuals should contact the Office of Athlete Safety with any questions or if they need assistance with reporting.**

6.1 Mandatory Reporter Designation

Although the USOPC strongly encourages all *Participants* to report allegations of *Prohibited Conduct*, adult *Participants* are mandatory reporters under this *Policy*. If an adult *Participant* learns of any allegation of *Prohibited Conduct* they must report the allegation as follows:

6.2 *Sexual Misconduct and Child Abuse*

➤ **Report *Sexual Misconduct* and *Child Abuse* to the U.S. Center for SafeSport.**

- **Online:** <https://uscenterforsafesport.org/report-a-concern/>
- **Phone:** 720.531.0340
- If a *Participant* becomes aware of an allegation of sexual misconduct or child abuse the *Participant* **MUST** report this to the Center **IMMEDIATELY**.

–AND–

➤ **Report *Child Abuse* to Law Enforcement**

- **Important:** If an adult *Participant* learns of information and reasonably suspects that a *Minor* has suffered an incident of *Child Abuse* (to include neglect, physical, emotional, and sexual abuse) they **MUST** report this to law enforcement (or in some states child protective services) **AND** the *Center* **IMMEDIATELY**. **Filing a report with the *Center* does not satisfy the reporting requirement to law enforcement.**
- Please see <https://www.childwelfare.gov/topics/responding/reporting/how/> for more information on reporting to law enforcement/child protective services.

6.3 **Reporting *Emotional* or *Physical Misconduct*, other *Prohibited Conduct*, or *MAAPP* Violations**

➤ **Promptly report it to the USOPC Office of Athlete Safety**

- **Online:** <https://www.teamusa.org/AthleteSafetyReportingForm>
- **Phone:** 719.866.3869.
- **Report in-person directly to the Office of Athlete Safety.** If a reporter chooses this option, the Office of Athlete Safety will talk the reporter through the various options for reporting and will help to ensure that they satisfy their reporting obligations.
- **Nothing precludes a reporter from reporting emotional or physical misconduct, other Prohibited Conduct, or MAAPP violations to the Center.** While the *Center* has the exclusive jurisdiction for response and resolution of allegations of *Sexual Misconduct*, it may also assume discretionary jurisdiction over other forms of abuse. If it does not assume jurisdiction, it has a process to route the allegation to the appropriate entity (*NGB*, *HPMO*, *PSO*, or *USOPC*) for response and resolution.

6.4 *Criminal Charges and Dispositions*

Adult *Participants* are required to report to the *Center Criminal Charge(s) and Disposition(s)* (as defined in the *Code*) against any known *Participant* involving *Sexual Misconduct* or misconduct involving *Minors*. All other *Criminal Charges and Dispositions* must be reported to the USOPC.

6.5 Escalation of Reports

If an individual feels that the USOPC Office of Athlete Safety has failed to act upon the information reported, not managed the matter appropriately, or feels there is an inherent conflict of interest in reporting the matter to the USOPC Office of Athlete Safety, they may escalate these concerns to the USOPC Ethics Team. Individuals can make their report by email (ethics@usopc.org), in person (to the Ethics Officer or Director of Ethics), or via the Ethics Hotline (1-877-404-9935; note that calls to this Hotline may be made anonymously).

If an individual feels that there is a conflict of interest in reporting the matter to the USOPC Ethics Team or that the Ethics Team has been unresponsive to their inquiry, they may escalate the matter to the USOPC CEO. Similarly, if an individual feels that there is a conflict of interest in reporting the matter to the USOPC CEO or that the CEO has been unresponsive to their inquiry, they may further escalate the matter to the Chair of the USOPC Board of Directors.

Making a report pursuant to this section does not relieve an individual of their duty to report to law enforcement or the *Center*, if required.

6.6 Self-Reporting

Nothing in this policy requires a victim/survivor of *Child Abuse* or other misconduct to self-report.

6.7 Anonymous Reports

Reports may be made anonymously to the USOPC. It does **not** mean that the underlying information will be protected. However, an anonymous report may limit the USOPC's ability to investigate and respond to a report, and if an adult *Participant* reports anonymously, it may not be possible for the USOPC to verify that mandatory reporting obligations have been satisfied. For these reasons, the USOPC strongly encourages adult *Participants* to provide their name and contact information when reporting.

6.8 Privacy

When a report is filed with the USOPC, the USOPC will make reasonable efforts to protect the privacy of individuals involved, while balancing the need to gather information to assess a report and to take steps to eliminate *Prohibited Conduct*.

6.8.1 Information Sharing

Information will be shared as necessary with USOPC staff and counsel, witnesses, the parties, relevant *NGBs/PSOs/HPMOs*, and law enforcement.

6.8.2 Parents/Legal Guardians

The USOPC reserves the right to notify parents/legal guardians of *Minors* involved in the process.

6.8.3 Third-Party Reporters

The USOPC may, in its discretion, share information with *Third-Party Reporters* (as defined in Section 13) as necessary. However, nothing in this *Policy* gives a *Third-Party Reporter* a right to updates or other information on a matter once a report is made.

Section 7. Intake, Investigation, and Initial Resolution Proceedings

7.1 Initiating Proceedings and Routing Reports

When the USOPC receives a report of allegations that falls within its jurisdiction, it will notify the relevant *NGB, PSO, or HPMO*, conduct a preliminary inquiry, and, if appropriate, undertake an investigation to determine whether a *Participant* engaged in *Prohibited Conduct*.

Note: If the USOPC receives a report that a child has suffered an incident of *Child Abuse*, it will immediately report the suspected abuse to both law enforcement and the *Center*. If the USOPC receives a report of *Sexual Misconduct*, it will immediately report the alleged misconduct to the *Center*. However, this does not relieve an individual of their duty to report to law enforcement or the *Center*, if required.

7.2 Effect of Criminal or Civil Proceedings

Because the standards for finding a violation of criminal law are different from the standards for finding *Prohibited Conduct*, the resolution of a criminal proceeding without a *Criminal Disposition* does not decide (but may be relevant to) whether *Prohibited Conduct* has occurred.

Conduct may be *Prohibited Conduct* even if the *Respondent* is not charged, prosecuted or convicted for, is acquitted of a criminal charge for, or legal authorities decline to prosecute, the behavior that could constitute potential *Prohibited Conduct*.

Apart from the application of this *Policy* as it relates to Criminal Charge(s) and Disposition(s), the USOPC's resolution will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.

7.2.1 Statute of Limitations or Other Time Bars

No criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent the USOPC from investigating, assessing, considering and adjudicating any allegation regardless of when it occurred.

Where the alleged *Prohibited Conduct* occurred prior to the effective date of this Policy, the USOPC may apply other substantive standards in effect at the time of the conduct that are analogous to *Prohibited Conduct*, including then effective criminal laws and/or previous *Center*, USOPC, *NGB*, *HPMO*, *PSO*, and/or *LAO* (defined in Section 13) standards. However, in all cases, the procedures in this *Policy* will be used to investigate and resolve matters, regardless of when the incident of *Prohibited Conduct* occurred.

7.3 Coordinating with Law Enforcement

At the written request of law enforcement, the USOPC may delay its investigation temporarily.

7.4 Temporary Measures

The USOPC may, at any point before a matter is final, impose *Temporary Measures* (see Section 8, below).

7.5 Methods of Resolution

7.5.1 Administrative Closures

The USOPC, in its discretion, may administratively close a matter as a result of insufficient evidence or other factors as determined by the USOPC. The USOPC will notify the relevant parties of an administrative closure. The USOPC may, upon receipt of new information or evidence, or a change in circumstances, reopen a matter for further investigation.

7.5.2 Informal Resolution

A *Respondent* may, at any time before a matter is final, elect to resolve allegations of *Prohibited Conduct* by accepting responsibility for the *Prohibited Conduct* and accepting any sanction agreed upon by the *Respondent* and the Office of Athlete Safety. An informal resolution is not a settlement, but does constitute a final and binding disposition of the matter. The outcome and/or sanctions of an informal resolution may be published by the USOPC.

7.5.3 Formal Resolution

A formal resolution occurs after the USOPC has completed an investigation and either closes the matter or, if a violation is found, issues its *Decision* (defined in Section 7.9 below).

7.6 Participation

7.6.1 Parties

The *Claimant* and *Respondent* will have the opportunity to submit information and relevant evidence, to identify witnesses who may have relevant information, and to submit questions they believe should be directed by the investigator to each other or witness(es).

A *Claimant* and *Respondent* are not required to participate in the investigation or any form of resolution under these procedures, but they do each have a right to participate if they choose. However, full cooperation and participation in the investigation and resolution process is important to ensure that all relevant information and evidence are presented so the USOPC can determine whether *Prohibited Conduct* has occurred. If a *Claimant* or *Respondent* chooses not to cooperate or participate in an investigation, the USOPC will make its decision based on the available evidence.

7.6.2 Advisors

Throughout the resolution process, *Claimant(s)* and *Respondent(s)* each have the right to choose and consult with an advisor (“*Advisor*”). The *Advisor* may be any person, including an attorney, who does not have an actual or perceived vested interest in the matter, is not a party or witness involved in the investigation or hearing, and who is not a USOPC employee, Board member, or committee member. The *Claimant* and *Respondent* may be accompanied by their respective *Advisors* at any meeting or proceeding related to the investigation, hearing and resolution of a report under these procedures. *Advisor* may provide support and advice to the parties at any meeting and/or proceeding, but they may not speak on behalf of the *Claimant* or *Respondent*, or otherwise participate in such meetings and/or proceedings except as provided in this *Policy*. A *Claimant* or *Respondent* may share information that is designated confidential under this policy with their *Advisor*. *Advisors* are subject to the same confidentiality requirements as *Claimants* and *Respondents*.

7.6.3 Witnesses

Witnesses who are adult *Participants* are expected to participate and cooperate in the USOPC’s investigation and any related proceedings.

7.7 Recordings

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by the USOPC. Recordings of interviews or meetings will not be distributed, except in accordance with Section 7.13.

7.8 Investigation Report

A final investigation report (“*Investigation Report*”) will be prepared that sets forth the investigator’s findings of fact and may make a recommendation as to whether *Prohibited Conduct* occurred. The *Investigation Report* will be shared with the *Claimant(s)* and *Respondent(s)* and any relevant *NGBs*, *PSOs*, or *HPMOs*, upon issuance of the *Decision*, subject to redactions as necessary to protect confidentiality and privacy. The *Investigation Report* and any attachments are considered confidential.

7.9 Decision

The *Vice President for Athlete Safety* (defined in Section 13) will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that *Respondent* engaged in *Prohibited Conduct*, as well as the appropriate sanction(s). If there is a finding that the *Respondent* engaged in *Prohibited Conduct*, the decision (“*Decision*”) will note the violation and any sanction(s). The *Claimant* and *Respondent* and any relevant *NGBs*, *PSOs*, or *HPMOs* will be notified of the *Decision*. The notice of *Decision* (“*Notice of Decision*”) will list any findings of *Prohibited Conduct*, as supported by the rationale discussed in the *Decision* and *Investigation Report*; the sanction(s) imposed against the *Respondent* (if applicable); and the rationale for any sanction(s) imposed. The *Notice of Decision* is considered confidential, however, the outcome reflected in the *Decision*—including whether a *Prohibited Conduct* occurred, the nature of *Prohibited Conduct*, and any sanctions imposed—is not.

7.10 Requesting a Hearing

A *Respondent* has **ten (10) days** from the date the *Notice of Decision* was emailed to request a hearing before a USOPC Hearing Panel (“*Hearing Panel*”). A request for a hearing should be emailed to dru@usopc.org.

7.11 Requesting a Stay of Final Sanctions

After requesting a hearing on a *Decision*, at any time prior to that hearing, a *Respondent* may request that the Office of Athlete Safety stay or modify a sanction pending the outcome of the hearing, by emailing athlete.safety@usopc.org. The Office of Athlete Safety may, in its sole discretion, delay or modify temporarily the implementation of the sanction(s). For example, the USOPC may allow the *Respondent* to participate in *Protected Competition* (defined in Section 13) under the oversight of a chaperone.

7.12 Reopening a Matter

At any time, the Office of Athlete Safety—on its own or at the request of a *Claimant* or *Respondent*—may reopen a matter based upon new evidence that was previously unavailable or a change in circumstances that could substantially impact the original finding or sanction. Whether to reopen a case is within the USOPC’s sole discretion and is not reviewable.

7.13 Confidentiality – Release/Use of Materials

The following documents and/or evidence related to the response and resolution process must remain confidential, and may not be disclosed outside of the proceedings, except as may be required by law or law enforcement or authorized by the USOPC:

- the *Notice of Decision*;
- the *Investigation Report*
- any documents and/or evidence attached to the *Investigation Report*, including interview statements of a *Claimant*, *Respondent*, or other witnesses;
- any other documents and/or evidence collected by, submitted to, or prepared by the investigator or the Office of Athlete Safety;
- any audio recordings or transcripts of those recordings created as part of the investigative process;
- all documents and/or evidence submitted to or prepared by the *Hearing Panel*, including any hearing transcripts;
- any other documents that may be necessary to the *Respondent* for use in the hearing.

Only the *Investigation Report* and *Notice of Decision* will be automatically distributed to certain parties as provided in Sections 7.8 and 7.9 above. If a *Respondent* requests a hearing, (1) the USOPC will consider requests from the *Respondent* for additional items such as interview recordings or transcripts from the investigation, and may, but is not required to, disclose those items; and (2) the USOPC will disclose to *Respondent* any additional documents that the USOPC concludes are relevant to the matter. The USOPC investigator may also provide additional materials to the *Respondent* or other witnesses if agreed upon by the USOPC investigator and the *Respondent* or other witness.

While the physical documentation must remain confidential, the USOPC, the relevant *NGBs*, *PSOs*, and *HPMOs*, and their affiliates may disclose the outcome of the matter, including the *Summary of Decision* (defined in Section 11.4), to those parties or organizations with a need to know so that the outcome can be properly implemented and understood.

Additionally, subject to the abuse of process prohibition (including the prohibition on identifying a *Claimant*), the USOPC does not impose any restrictions on a *Claimant's* or *Respondent's* ability to discuss the incident, their participation in the USOPC's process, or the outcome of that process. If a *Claimant* or *Respondent* intentionally misrepresents the process, the underlying facts, or the outcome of a matter, the USOPC reserves the right to publicly correct the record.

Violation of this provision, including by an *Advisor* for an involved party, may constitute an Abuse of Process, as discussed in Section 5.3.3.

Note: This Section 7.13 is not intended to require an individual or the USOPC to keep confidential any public information or documents, or any information or documents that they rightfully have in their possession independent of this process.

Section 8. Temporary Measures

The USOPC may implement temporary measures (“*Temporary Measures*”), which are designed for protective purposes pending a *Decision*, at any time. Generally, *Temporary Measures* are implemented based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the Olympic and Paralympic Movement.

A Temporary Measure is effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until the USOPC expressly removes the Temporary Measure(s).

8.1 Remedies

Temporary Measures may include, but are not limited to:

- altering training schedules,
- providing or requiring chaperones,
- implementing contact limitations,
- implementing measures prohibiting one-on-one interactions,
- suspensions from *OPTC* privileges,
- alternative housing arrangements,
- alternative transportation arrangements,
- suspensions from participation in some or all aspects of activity in the Olympic and Paralympic Movement

Temporary Measures will be enforced by the USOPC and the relevant *NGBs*, *PSOs*, *HPMOs*, and *LAOs*, as appropriate. The USOPC may share information regarding *Temporary Measures* with additional organizations, such as International Federations (“*IFs*”), as it deems appropriate.

8.2 By an *NGB*, *PSO*, *HPMO*, or *LAO*

Nothing in this *Policy* prevents an *NGB*, *PSO*, *HPMO*, or *LAO* from enacting appropriate temporary measures before the USOPC exercises jurisdiction, such as a temporary suspension, which will stay in place unless and until modified by the USOPC.

8.3 Requesting a Hearing on *Temporary Measures*

The *Respondent* may also request a hearing on the *Temporary Measures* pursuant to Section 10.1, below.

8.4 Requesting a Stay of *Temporary Measures*

At any time prior to a hearing, a *Respondent* may request that the USOPC stay or modify a temporary measure. The USOPC may, in its sole discretion, delay or modify implementation of the *Temporary Measures*, such as, by way of example, to allow the *Respondent* to participate in *Protected Competition* under the oversight of a chaperone.

Section 9. Sanctions

Where there is sufficient evidence through the investigation and resolution procedure to support a finding that a *Participant* engaged in *Prohibited Conduct*, the *Vice President of Athlete Safety* will determine the appropriate sanction(s).

Sanctions include, but are not limited to, the following (either by itself or in combination):

- Written warning
- Education and/or training
- Probation
- Suspension
- Other eligibility restrictions
- Permanent ineligibility
- Other discretionary sanctions

Section 10. Hearings

10.1 Right to Request a *Temporary Measures* Hearing

In all instances where a *Temporary Measure* (such as a suspension) materially affects the right to participate in *Protected Competition*, the *Respondent* may challenge the measure by requesting a hearing before a *Hearing Panel*. A *Respondent* has **ten (10) days** from the date the *Temporary Measures* notice was emailed to request a *Temporary Measures* hearing before a *Hearing Panel*. A request for a hearing should be emailed to dru@usopc.org.

10.1.1 Time

The ten (10) day deadline above may be waived for good cause shown.

10.2 Final Hearing

In all instances where a *Decision* is issued that a *Respondent* violated this *Policy*, the *Respondent* may challenge the *Decision* by requesting a hearing before a *Hearing Panel* pursuant to Section 7.10.

10.3 No Limitation on Right to Challenge Denial or Threatened Denial of an Opportunity to Participate

Nothing in this *Policy* is intended to expand or limit a *Respondent's* right to a hearing, if any, under the USOPC Bylaws or the Ted Stevens Olympic and Amateur Sports Act.

10.4 Hearing Procedures

The Hearing Procedures that apply to these hearings are attached in Appendix A.

Section 11. Enforcement

11.1 *Temporary Measures*

All *Temporary Measures* imposed by the USOPC will be in effect immediately upon issuance. A *Respondent* may request a stay or modification of a Temporary Measure if the *Respondent* has timely requested a hearing, in accordance with the procedures in Section 10.1, above.

11.2 **Sanctions**

Final sanctions imposed in the *Decision* will take effect immediately. A *Respondent* may request a stay or modification of final sanctions if the *Respondent* has timely requested a hearing, in accordance with the procedures in Section 10.2, above.

11.3 **Reciprocal Enforcement**

If a *Participant* is sanctioned or subject to *Temporary Measures* under this *Policy*, that sanction(s) or Temporary Measure(s) must be reciprocally enforced by and between all *NGBs*, *PSOs*, *HPMOs*, and *LAOs* within the Olympic and Paralympic Movement.

11.4 *Summary of Decision*

The USOPC may provide a “*Summary of Decision*,” which *NGBs*, *PSOs*, *HPMOs*, and *LAOs* may provide to parties to assist with enforcement of sanctions. The USOPC may share the *Summary of Decision* with additional organizations, such as *IFs*, as it deems appropriate.

Section 12. Loss of USOPC Services and Benefits

This Section is intended to provide clarity on *Participant* eligibility guidelines for USOPC services and benefits in the event of a sanctioning determination by the *Center*, *NGB*, *PSO*, *HPMO*, or the USOPC.

12.1 **Allegations**

Revocation of USOPC services and benefits will not occur based solely on a report or an allegation made against a *Participant* for *Prohibited Conduct*.

12.2 *Temporary Measures*

For any *Temporary Measure* other than a temporary suspension imposed on a *Participant*, the USOPC may suspend applicable services and benefits as outlined in the [Athlete Safety Eligibility Matrix](#) (which can also be found on the USOPC Policies and Procedures page on Sharepoint), and up until the case is resolved or the *Temporary Measure* is lifted or altered. In instances where a temporary suspension is imposed on a *Participant*, the USOPC will suspend applicable services and benefits as outlined in the [Athlete Safety Eligibility Matrix](#), and until the case is resolved or the temporary suspension is otherwise lifted or altered. In the event of alteration of a temporary measure or temporary suspension, the USOPC may reevaluate the case to determine whether suspension of applicable services and benefits should be lifted, reduced, or expanded.

12.3 Final Sanction - Suspension or Permanent Ineligibility

If a *Participant* is suspended or deemed permanently ineligible, then the *Participant* will be deemed ineligible to receive the applicable services and benefits, as outlined in [Athlete Safety Eligibility Matrix](#), for the duration of the sanction.

12.3.1 Sanctions that Do Not Result in Suspension or Other Eligibility Restriction

If the *Participant* receives a final sanction other than suspension or ineligibility, the eligibility for services and benefits will be determined on a case-by-case basis and based on the conditions of those sanctioning determinations.

12.3.2 Reinstatement

When a *Participant*'s suspension is lifted or period of ineligibility has elapsed, all or a portion of the applicable service(s) or benefit(s) under [Athlete Safety Eligibility Matrix](#) may be reinstated if the *Participant* otherwise meets the necessary criteria to receive those services and benefits. For services and benefits with eligibility based on performance criteria, the applicable criteria will still apply to determine eligibility after a case is resolved.

Section 13 Definitions

“Advisor” has the meaning set forth in Section 7.6.2.

“Center” means the U.S. Center for SafeSport.

“Child Abuse,” as the term is used in this *Policy*, has the meaning set forth in Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) or any applicable state law.

“Claimant” means a person who is alleged to have experienced conduct that constitutes *Prohibited Conduct*.

“Code” means the SafeSport Code for the U.S. Olympic and Paralympic Movements.

“Criminal Charge or Disposition” has the meaning given to it in the *Code*.

“Decision” has the meaning set forth in Section 7.9.

“Emotional Misconduct,” as the term is used in this *Policy*, has the meaning given it in the *Code*.

“Games” means the Olympic Games, Paralympic Games, Youth Olympic Games, Pan American Games, and/or Parapan American Games.

“Hearing Panel” has the meaning set forth in Section 7.10.

“HPMO” means a High Performance Management Organization.

“IF” or “International Federation” means the international governing body for a sport.

“Investigation Report” has the meaning given to it in Section 7.8.

“LAO” means a regional, state or local club or organization that is directly affiliated with an *NGB* or that is affiliated with an *NGB* by its direct affiliation with a regional or state affiliate of said *NGB*. *LAO* does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an *NGB*.

“MAAPP” means Minor Athlete Abuse Prevention Policies adopted by the USOPC, which can be found at this [link](#) and on the USOPC Policies and Procedures page on Sharepoint.

“Minor” means an individual under the age of 18.

“NGB” means a U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the USOPC pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501, et seq.

“Notice of Decision” has the meaning set forth in Section 7.9.

“OPTC” means an Olympic & Paralympic Training Center.

“Participant” has the meaning set forth in Section 2.1.

“Policy” as used herein means the USOPC Athlete Safety Policy.

“Physical Misconduct,” as the term is used in this *Policy*, has the meaning given it in the *Code*.

“Prohibited Conduct” has the meaning given to it in Section 5.

“Protected Competition” has the meaning given to it in Section 1.3(w) of the USOPC Bylaws.

“PSO” means a Paralympic Sport Organization that is an amateur sports organization recognized by the USOPC in accordance with Section 8 of the USOPC Bylaws.

“Respondent” means a *Participant* who is alleged to have violated this *Policy*.

“Sexual Misconduct,” as the term is used in this *Policy*, has the meaning given it in the *Code*.

“Summary of Decision” has the meaning set forth in Section 11.4.

“Temporary Measures” has the meaning given to it in Section 8 of this *Policy*.

“Third-Party Reporter” means an individual other than a *Claimant* or *Respondent* who makes a report under this *Policy*.

“USOPC” means the U.S. Olympic & Paralympic Committee

“USOPC Contracted Staff” means (i) staff contracted through any third-party staffing agency (including temp agencies), (ii) non-agency/division specific contracted staff paid on a services agreement and with Form 1099-MISC, and/or (iii) clinical students.

“USOPC Delegation Events” means events to which the USOPC officially sends an individual or group of individuals on behalf of the USOPC and/or the United States.

“USOPC Sponsored Events” means Olympic and Paralympic Trials, and any other event or competition organized, operated, sanctioned or formally authorized by the USOPC.

“Vice President for Athlete Safety” means the highest ranking individual in the USOPC Office of Athlete Safety or his/her designee.



USOPC Athlete Safety Policy

Appendix A

Hearing Procedures

Hearing

1. Procedural Safeguards

In every case where a hearing is conducted pursuant to this Policy, it will comply with the USOPC Bylaws, provided that deviations in one or more of the procedural safeguards are permitted where all of the following conditions are satisfied:

- the *Respondent* is informed of the allegations and evidence brought against him/her;
- the *Respondent* is given a reasonable opportunity to respond to the allegations brought forward;
- the *Respondent* may be represented by an *Advisor* at his or her expense; and
- the *Hearing Panel* member(s) who make the determination can render an unbiased decision.

The conduct of the hearing will be private.

2. Hearing Panel

On receipt of a request for a hearing, the USOPC's Dispute Resolution Unit will appoint and provide procedural support and counsel to the *Hearing Panel*. Each *Hearing Panel* will consist of three disinterested and impartial individuals, including one elite athlete representative meeting the qualifications as set forth in Section 14.4 of the USOPC Bylaws.

3. Notice

The *Respondent* will be notified of a specific hearing date and time to ensure that he/she is available for the hearing. Unless the *Hearing Panel* requires the *Respondent* to attend the hearing in person, the *Respondent* may appear by telephone conference call. The *Respondent* has the right to be represented by an *Advisor* at the hearing.

4. Timing

The *Hearing 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 *Respondent*, 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.

5. Evidence

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

If the *Claimant* is a *Minor*, the investigator's report may substitute for the *Minor* witness's direct testimony, provided that the *Respondent* had an opportunity to present and respond to relevant information collected during the investigation and before the investigation report was transmitted to the *Hearing Panel*.

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

6. Findings and Sanctions

The *Hearing Panel* has the discretion to determine, based upon a preponderance of the evidence, whether the *Respondent* engaged in *Prohibited Conduct*. If it finds that *Prohibited Conduct* occurred, the *Hearing Panel* has discretion to determine the appropriate sanction(s).

The *Hearing Panel* will communicate its finding to the *Respondent*.

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

- whether the *Respondent* poses an ongoing concern for the safety of the USOPC's athletes and participants;
- the seriousness of the offense or act;
- the ages of the *Respondent* and *Claimant* when the offense or act occurred;
- any information produced by the *Respondent*, or produced on behalf of the *Respondent*, in regard to the *Respondent's* rehabilitation and good conduct; and
- any other information, which in the determination of the *Hearing Panel*, bears on the appropriate sanction.

7. Appeal

If the *Respondent* disagrees with the finding or sanction of the *Hearing Panel* and wishes to appeal, he/she may file an appeal with the AAA within 10 days of the *Hearing Panel's* decision. A decision rendered by the AAA shall be final and binding on all parties.

Temporary Measures Hearing

In all instances where a *Temporary Measure* affects the opportunity to participate in a protected competition as defined in the USOPC Bylaws, the *Respondent* may challenge the measure by requesting a hearing before the *Hearing Panel*.

A *Temporary Measures Hearing Panel* will be constituted by the same process as for a regular hearing, except that individuals serving on the *Temporary Measures Hearing Panel* may not serve on the *Hearing Panel* for the same case.

The *Temporary Measures* hearing is not intended to be the hearing necessary to finally resolve whether the *Respondent* has committed *Prohibited Conduct* or what the appropriate sanctions should be, if *Prohibited Conduct* is found to have occurred. The *Temporary Measures* hearing is limited to determining if there is reasonable cause to impose the *Temporary Measure(s)*. That is, whether the USOPC's choice of *Temporary Measures* is appropriately tailored to maintain the emotional or physical safety or well-being of the *Claimant* or other participants; to protect the best interest of the Olympic and Paralympic Movement and those who participate in it; or, such other valid purpose as set forth by the USOPC.

Bylaws and Sports Act

Nothing in this *Policy* is intended to expand or limit a *Respondent's* right to a hearing, if any, under the USOPC Bylaws, and in particular Section 9 of the USOPC Bylaws, or the Ted Stevens Olympic and Amateur Sports Act.