

US Olympic and Paralympic Committee Policy



Policy Name: USOPC Athlete Safety Policy

Date of Issuance: 12-12-2022

Policy Owner: Chief of Sport & Athlete Services

Applies to: Board of Directors, USOPC Staff, and Others (as below)

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

Policy Statement: The USOPC is committed to the safety and wellbeing of all USOPC *Participants*, as defined in this *Policy*. As part of this commitment, the USOPC's policy, prevention, and education efforts aim 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 the following individuals defined as *Participants* by the USOPC:

- An employee or board member of the USOPC;
- Within the governance or disciplinary jurisdiction of the USOPC;
- Authorized, approved, or appointed by the USOPC to have regular contact with or authority over Minor Athletes;
- Individuals serving as a USOPC contracted program coach or personal

coaches receiving funding through the USOPC;

- All individuals participating in a *USOPC Sponsored Event*¹, or individuals authorized, approved, or appointed by the USOPC to be a member of the US Delegation at a *USOPC Delegation Event* for the relevant event period².
 - The relevant event period for a *Sponsored Event* consists of the competition and any travel or lodging arranged by the USOPC.
 - The relevant event period for a *Delegation Event* begins when an individual's Pre-Validated Card (PVC) is activated, and ends when the Athlete Village closes, or the individual is released from the Delegation. If the individual does not activate their PVC, the relevant event period begins when: (i) they are identified as part of the Delegation, (ii) they are physically in the host country of the *Delegation Event*, and (iii) they used their PVC to enter the country or are in the city/state of the location of the *Delegation Event* for official Delegation duties, excluding any pre-Games camps which would be under the jurisdiction of the applicable NGB.
- Athletes in the following additional categories:
 - Athletes training and/or residing at an Olympic & Paralympic Training Center ("OPTC");
 - Athletes from any of the Paralympic and Olympic sports managed internally by the USOPC who are:
 - On any National team; and/or,
 - On a selected team during the timeframe of the respective competition and training; and/or,
 - On a *USOPC Delegation Event* short list during the timeframe they are on the list; and/or,
 - Receiving benefits (i.e., Direct Athlete Support, EAHI, etc.) as a result of their participation with that internally managed sport;
 - Athletes otherwise under the jurisdiction of the USOPC when the USOPC assumes the responsibility of an NGB;
- Volunteers working at an *OPTC*
- Independent Contractors & Vendors that have:
 - *Regular Contact* with and/or *Authority over Minor Athletes*; and/or,
 - Substantive direct contact with athletes; and/or,
 - Access to *Minor Athletes* or athlete areas, in a non-public space

¹ For a *USOPC Sponsored Event* that is run by an NGB (e.g., an Olympic or Paralympic Trials event), the respective NGB is responsible for the tracking of Athlete Safety and education and training requirements, and the individual is considered a *USOPC Participant* for purposes of Response and Resolution only.

- 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*”);
- Any other individual otherwise deemed a *Participant* as further outlined in the [USOPC Participant & Training Model](#).

2.1.1 Exceptions

Individuals listed on the various USOPC registries to include Mental Health, Dentistry, Nutrition, and Sports Psychology are a resource provided by the USOPC. While not considered USOPC *Participants*, registry members are background checked and required to take SafeSport training. This requirement is in place to ensure the safety of athletes utilizing their services. It also provides the registry members with knowledge regarding athlete safety in the movement to enable them to recommend resources applicable to the athletes they serve.

In other limited circumstances, the USOPC 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 *Participants* may also be subject to athlete safety policies, and other policies, of an *NGB*.

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 [USOPC Participant & Training 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 USOPC 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 USOPC Office of Athlete Safety.

The USOPC also prohibits any individual who is an employee, agent, or contractor, from assisting a member or former member in obtaining a new job (except the routine transmission of administrative and personnel files) if the individual knows that such member or former member violated the policies or procedures of the *Center* related to *Sexual Misconduct* or was convicted of a crime involving *Sexual Misconduct* with a *Minor*.

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*²;
 - 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. Exceptions

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

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*.

² For a *USOPC Sponsored Event* that is run by an *NGB* (e.g., an Olympic or Paralympic Trials event), the USOPC reserves the right to take jurisdiction over any allegation of *Prohibited Conduct* not under the exclusive jurisdiction of the *Center*.

Allegations of *Prohibited Conduct* against Independent Contractors or Vendors will be addressed as outlined in their respective agreement for services and may also be addressed under this *Policy*.

Depending on the nature of the allegations, and the role of a volunteer, the USOPC may not, in its sole discretion, afford a volunteer a formal resolution process.

3.2 Interference

USOPC *Participants* shall not interfere or attempt to influence the outcome of any *Prohibited Conduct* investigation regardless of jurisdiction.

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 Adult *Participants* Required to Complete Training

The following Adult *Participants* at the USOPC must complete the *Center's* SafeSport Trained core training either through the *Center's* online training or the *Center's* approved, in-person training:

- Adult *Participants* who have *Regular Contact* with any *Amateur Athlete(s)* who is a *Minor*;
- Adult *Participants* who have *Authority* over any *Amateur Athlete(s)* who is a *Minor*;
- Adult *Participants* who are employees or board members of the USOPC;
- Other adults as determined by the USOPC in its discretion, or as required by the *Center*.

Adult *Participants* who are medical providers required to take training can take the Health Professionals Course in lieu of the SafeSport Trained core training.

4.2.2 Timing of Training

Adult *Participants* must complete this training upon the earlier of:

- Within the first 45 days after beginning a new role subjecting the adult to this *Policy*; or,
- Before *Regular Contact* with a *Minor Athlete(s)* begins.

4.2.3 Refresher Training

The above listed Adult *Participants* must complete a refresher course on an annual basis, within 12 months after completing the SafeSport Trained core training. Every four years, Adult *Participants* will complete the SafeSport Trained core training. Medical providers can take the Health Professionals Course in lieu of the SafeSport Trained core training, and are required to take the refresher courses on an annual basis if they meet the criteria in 4.2.1.

4.2.4 Accessing the Training online

The SafeSport Trained core training, the Health Professionals Course, and the Refresher training can be accessed at <https://safesporttrained.org/>.

4.2.5 Additional USOPC Training and Requirements

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

4.2.6 Minor Training

The USOPC will, subject to parental/guardian consent, annually offer and provide training to *Minor Athletes* on the 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.

4.2.7 Parent Training

The USOPC will, on an annual basis, offer training to the parents/guardians of *Minors Athletes* on the 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.

4.2.8 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 Center at exemptions@safesport.org or to the USOPC at athlete.safety@usopc.org.

4.2.9 Accommodations

The USOPC will work with the *Center* to provide reasonable accommodations for persons with disabilities, and individuals with limited English proficiency to satisfy these training requirements.

4.3 **MAAPP**

The [USOPC Minor Athlete Abuse Prevention Policies \(MAAPP\)](https://teamusa.org/maapp) (available at [Teamusa.org/maapp](https://teamusa.org/maapp)) are hereby incorporated into this *Policy* by reference.

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](https://uscenterforsafesport.org/) (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**

Adult *Participants* are prohibited from violating the [USOPC Minor Athlete Abuse Prevention Policies \(MAAPP\)](#), which are incorporated 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 **Retaliation**

Retaliation or attempt to do the same by a *Participant*, or someone acting on behalf of a *Participant*, an NGB, LAO, or the USOPC, is prohibited.

Retaliation is any adverse action or threat to take any adverse action against any person related to allegations of *Prohibited Conduct*.

Adverse actions include, but are not limited to: threatening, intimidating, harassing,

coercing, or any other action or conduct with the potential effect of dissuading any reasonable person from reporting *Prohibited Conduct* or engaging in activity related to any reporting or investigative processes.

Retaliation may take place at any time, including before, during, or after an individual's reporting or engagement in the processes of the *USOPC* or the *Center*. Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a *Code* violation.

5.3.3 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.

- 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 report. **The reporter's vital job is simply to report the allegation to the appropriate entity(ies). DO NOT evaluate the credibility of the allegation 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, Child Abuse, and Retaliation

- **Report Sexual Misconduct, Child Abuse, and Retaliation to the U.S. Center for SafeSport.**
 - **Online:** <https://uscenterforsafesport.org/report-a-concern/>
 - **Phone:** 833-587-7233
 - If a *Participant* becomes aware of an allegation of *Sexual Misconduct* or *Child Abuse*, or *Retaliation* 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 visit <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 USOPC Office of Athlete Safety** If a reporter chooses this option, the USOPC 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 the *Center* does not assume jurisdiction, it has a process to route the allegation to the appropriate entity (*NGB* 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 Licensed Medical and Mental Health Providers

For the purposes of clarification, licensed medical and mental health providers should also follow their state laws and licensure requirements when reporting allegations of abuse learned through privileged communications, where applicable.

6.6 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 said office, they may escalate these concerns to the USOPC Ethics and Compliance Team. Individuals can make their report online at usopc.ethicspoint.com, by email (ethics@usopc.org), in person (to the Chief Ethics & Compliance Officer or Director of Ethics), or via the USOPC Integrity Hotline (1-877-404-9935; note that calls to this Hotline may be made anonymously).

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

6.7 Self-Reporting

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

6.8 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.

6.9 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*.

6.9.1 Information Sharing

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

6.9.2 Parents/Legal Guardians

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

6.9.3 *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 Intake and Routing Reports

When the USOPC receives a report of allegations of *Prohibited Conduct* it will evaluate the information to determine appropriate jurisdiction.

7.1.1 Allegations that fall under the *Center's* Exclusive Jurisdiction

All allegations of *Prohibited Conduct* received by the USOPC that fall under the *Center's* exclusive jurisdiction will be forwarded to the *Center* immediately, but no later than within 24 hours of becoming aware of the allegations. All allegations of *Child Abuse* will also immediately be reported to law enforcement. The USOPC will promptly notify the reporting party of the report referral.

7.1.2 Requests for information from the *Center*

The USOPC Office of Athlete Safety is the primary contact for all information requests from the *Center* to include the eligibility status of a *Participant* and the existence of USOPC imposed *Temporary Measures* or safety plans. The USOPC Office of Athlete Safety will respond to all requests from the *Center* within 72 hours.

7.1.3 Allegations of *Prohibited Conduct* that fall under the jurisdiction of an *NGB*

All allegations of *Prohibited Conduct* that fall under the jurisdiction of an *NGB* will be forwarded to that *NGB* for response and resolution unless the USOPC identifies a conflict of interest or other concern that necessitates the report being filed with the *Center* instead. The USOPC will promptly notify the reporting party of the report referral.

7.1.4 Allegations of *Prohibited Conduct* that fall under the jurisdiction of the USOPC.

For all allegations of *Prohibited Conduct* that fall within the jurisdiction of the USOPC, the USOPC will notify the relevant *NGB* (*if applicable*), notify the reporting party that it will be initiating an inquiry, and, if appropriate, undertake an investigation to determine whether a *Participant* engaged in *Prohibited Conduct*.

Note: Reporting *Child Abuse* and *Sexual Misconduct* to the USOPC **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.

Barring extreme circumstances, or an allegation that occurred in or is related to, participation in sport, the USOPC will not conduct an investigation into the elements of a crime that resulted in a *Criminal Disposition* or *Criminal Charge*, but will allow the *Respondent* to provide any mitigating information they believe should be considered in any sanctioning associated with the violation.

The USOPC also reserves the right to handle *Criminal Dispositions* or *Criminal Charges*, not under the exclusive jurisdiction of the *Center*, through the USOPC's Background Check Procedures and/or applicable USOPC Code of Conduct Policy. When making this determination, the factors considered by the USOPC include but are not limited to:

- The age of the *Criminal Disposition*
- The severity of the charge(s) or *Criminal Disposition*
- Was the incident that resulted in the charge(s) or *Criminal Disposition* related to or did it occur in sport
- Is the underlying factual basis of the charge(s) or *Criminal Disposition* analogous to *Prohibited Conduct* as defined in this Athlete Safety Policy.

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*, 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 Administrative Hold

If the *Respondent* was not a *Participant* at the time of the conduct and is not a current *Participant* or seeking to be a *Participant*, the USOPC may place an Administrative Hold on the individual, so that the conduct can be addressed should they seek *Participant* status in the future.

7.5.3 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 USOPC 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.

7.5.4 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 *Claimants(s)* and *Respondents(s)* and any relevant *NGBs* 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 *Chief of Security & Athlete Services* (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*, the *Center* if applicable, and any relevant NGBs 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 the USOPC’s Dispute Resolution Unit at 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 USOPC Office of Athlete Safety stay or modify a sanction pending the outcome of the hearing, by emailing athlete.safety@usopc.org. The USOPC 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 USOPC 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 USOPC 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 *Center*, and the relevant *NGBs* 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.

7.14 Documentation

The USOPC maintains documentation of all reported allegations received by the USOPC Office of Athlete Safety in its case management system, to include those reports that fall within the jurisdiction of the USOPC, how those allegations were responded to, and the outcomes of those matters.

7.15 Policy Enforcement

The USOPC Office of Athlete Safety, under the direction of the *Chief of Security & Athlete Services*, is responsible for ensuring the response and resolution procedures in this *Policy* are followed. Should anyone feel that the USOPC Office of Athlete Safety failed to act in compliance with this *Policy* they can escalate the matter as detailed in Section 6.6 above.

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 may also be issued in the form of a safety plan. Safety plans are usually event or season specific, issued after an investigation has already been initiated, and do not include suspension from participation in a *Protected Competition*.

Temporary Measures will be enforced by the USOPC and the relevant *NGBs* and *LAOs*, as appropriate. The USOPC may share information regarding *Temporary Measures* with additional organizations, such as International Federations ("*IFs*"), as it deems appropriate. The USOPC may also share *Temporary Measures* to certain affected groups (i.e., team members, Delegation members) and/or publicly to ensure the safety and wellbeing of others in the Movement and to effectuate the enforcement of the *Temporary Measures*.

The USOPC will notify the *Center* within 72 hours of any *Temporary Measures* it imposes on an individual affecting their participation in sport, and any *Temporary Measures* it imposes on an individual who is currently a *Respondent* in an investigation under the *Center's* jurisdiction.

8.2 By an *NGB* or *LAO*

Nothing in this *Policy* prevents an *NGB* 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 *Chief of Security & Athlete Services* 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 Timing

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 if the *Respondent* does not request a hearing as outlined in Section 10 above, or immediately after issuance from a *Hearing Panel*.

Nothing prevents the USOPC from enacting safety measures during the time period between the issuance of a *Decision* and the finalization of the sanction via hearing or failure to request a hearing.

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* and *LAOs* within the Olympic and Paralympic Movement.

11.4 Summary of Decision

The USOPC may provide a "*Summary of Decision*," which *NGBs* 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*, 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

“AAA” means the American Arbitration Association.

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

“Amateur Athlete” means an athlete who meets the eligibility standards established by the National Governing Body or Paralympic sports organization for the sport in which the athlete competes.

“Authority” means when one person’s position over another person is such that, based on the totality of the circumstances, they have the power or right to direct, control, give orders to, or make decisions for that person, or where a Power Imbalance exists as defined in the *Code*.

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

“Chief of Security & Athlete Services” means the highest-ranking individual in the USOPC Office of Athlete Safety or his/her designee.

“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 Movement.

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

“Days” unless expressly provided otherwise, the term “days” shall mean calendar days, which includes weekends and national holidays.

“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*.

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

“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 the [USOPC Minor Athlete Abuse Prevention Policies](https://www.teamusa.org/maapp) available at [Teamusa.org/maapp](https://www.teamusa.org/maapp) and on the USOPC Policies and Procedures page on SharePoint.

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

“Minor Athlete” means an amateur athlete under 18 years of age who participates in, or participated within the previous 12 months in, an event, program, activity, or competition that is part of, or partially or fully under the jurisdiction of the USOPC, an *NGB*, or *LAO*.

“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.

“Regular Contact” means ongoing interactions during a 12-month period where an Adult *Participant* is in a role of direct and active engagement with any *Minor Athlete(s)*.

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

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

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



USOPC Athlete Safety Policy

Appendix A

Hearing Procedures

Temporary Measures Hearing Procedures *For USOPC Athlete Safety Complaints*

The *Temporary Measures* Hearing Procedures provide additional details and expand upon the basic procedural requirements for a *Temporary Measures* hearing in accordance with the USOPC Athlete Safety Policy (“*Policy*”). The *Policy* shall govern and be binding in all respects and shall take precedent in the event of any conflict between these procedures and the *Policy*. These procedures are to be followed when the USOPC Office of Athlete Safety imposes a temporary measure on a *Respondent*³ that materially affects the right to participate in a *Protected Competition* for an alleged a violation of the USOPC Athlete Safety Policy and a request for a hearing is made.

1. **Jurisdiction**. The hearing procedures for a *Temporary Measures* hearing shall apply in instances of alleged violations of *Prohibited Conduct* where the USOPC Office of Athlete Safety has accepted jurisdiction over a matter. A *Temporary Measures* hearing is only available in instances where the temporary measure materially affects the right of the *Respondent* to participate in a *Protected Competition* (e.g., suspension). The *Respondent* will have ten (10) days from the date the temporary measure was imposed to request a hearing⁴. The Request for Hearing should be submitted by e-mail to DRU@usopc.org.

Any other restrictive temporary measure(s) will be final and binding and shall not be reviewable through this process, nor subject to any right of review or appeal.

2. **Modifiable**. The USOPC Office of Athlete Safety may modify or stay a temporary measure at any time prior to a *Hearing Panel* decision without the action of the *Hearing Panel*. If the temporary measure is modified or stayed in a manner that would no longer materially affect the right of the *Respondent* to participate, the hearing proceeding will be closed.
3. **Hearing Panel**. The Dispute Resolution Unit (“DRU”) will appoint a three-person disinterested and impartial *Hearing Panel*, consisting of at least one athlete representative that will hear and render a *Decision* on the matter. If an individual is appointed to the *Hearing Panel* for a *Temporary Measures* hearing then they shall be ineligible for appointment to the *Hearing Panel* for a Final Hearing in the same matter, if applicable
4. **Scope**. The *Temporary Measures* hearing is an expedited proceeding and is intended to quickly resolve whether sufficient evidence exists to satisfy the *Hearing Panel* that the temporary measure(s) requested is appropriate based on the known facts and

³ All italicized words shall have the meaning as set forth in the USOPC Athlete Safety Policy.

⁴ Pursuant to the USOPC Athlete Safety Policy.

circumstances of the case at the time of the hearing. The *Temporary Measures* hearing will not determine whether the *Respondent* has committed a violation or what the appropriate sanctions should be, if a violation is found to have occurred. It is not a final hearing on the merits.

5. Timing. The *Respondent* will be directed to provide notice of the date of any upcoming competition in which they seek to participate in. A *Temporary Measures* hearing will be held, and a *Decision* rendered prior to any competition indicated, so long as there is at least forty-eight hours advance notice of the competition. The *Hearing Panel* will use its best efforts to hold a hearing within forty-eight hours for urgent matters (such as an upcoming competition) and within five business days for all other issues. For urgent matters, the *Temporary Measures Hearing Panel* may adjust any procedural requirements, so long as they are conducted in a manner fair to the parties. Notwithstanding, all *Temporary Measures* hearings should be held within two weeks after the request for a hearing is made, absent exceptional circumstances or the request for an extension.
6. Parties. The only parties allowed to participate in the *Temporary Measures* hearing are representatives for the USOPC Office of Athlete Safety and the *Respondent*. The *Claimant* will not be considered a party nor allowed to observe these proceedings.
7. Advisor. The parties have the right to be represented by an *Advisor* at all times at their own expense, who may be any person, including an attorney. The name and contact information of the *Advisor* must be provided in advance of the hearing.
8. Agreement to Arbitrate. The *Temporary Measures* hearing process can be bypassed if both parties agree in writing, and the matter can proceed directly to arbitration at the American Arbitration Association (“AAA”) before a single arbitrator for a final and binding decision. Under this agreement, the USOPC will cover the AAA administration fees and arbitrator expenses associated with the *Temporary Measures* hearing only. Additionally, the scope of the *Temporary Measures* hearing will follow the same process as outlined in these procedures.
9. Initiation of Proceeding. In order to initiate the proceeding the USOPC Office of Athlete Safety will submit an e-mail to DRU@usopc.org with the Notice of Allegations and Temporary Measure(s), which includes the allegation(s) and the temporary measure(s) imposed.
10. Position Statements. Either party may submit a Position Statement of no more than five pages setting forth the basis of their position. The Position Statement for the USOPC Office of Athlete Safety should at minimum include (i) the position of the USOPC Office of Athlete Safety to implement the temporary measure, and (ii) any other relevant evidence. The Position Statement for the *Respondent* should at minimum include (i) the specific remedy requested (e.g., request to reject, modify or stay a temporary measure), (ii) their position on the matter, and (iii) any other relevant evidence. However, evidence must only pertain to the reasonableness of the temporary measure and not relate to the merits of any underlying alleged violation. The *Hearing Panel* will make a determination on admissibility of evidence. The deadline for Position Statements will be determined by the *Hearing Panel*.

11. Notice of Temporary Measures Hearing. Upon receipt of the Notice of Allegations and Temporary Measure(s) from the USOPC Security & Athlete Safety Office, the *Hearing Panel* will provide the parties with a Notice of *Temporary Measures* Hearing. This notice will include general details of the proceeding, list any deadlines, and set forth the date of the hearing.
12. Hearing Date. The date and time of the hearing will not be changed from the initial Notice of *Temporary Measures* Hearing except upon the showing of good cause from a party as determined by the *Hearing Panel*, and so long as it does not delay the proceeding to extend beyond the anticipated competition date.
13. Pre-Hearing Conference. The *Hearing Panel* can request a pre-hearing conference in its discretion, but the pre-hearing conference would be limited to discuss scheduling of the hearing.
14. Length of Hearing. The length of the *Temporary Measures* hearing will be limited to no more than two hours, inclusive of the time allocated to the *Hearing Panel* for questions. The *Hearing Panel* may provide further details about the length of hearing in the Notice of *Temporary Measures* Hearing. Each party will receive an equal amount of time to present their position.
15. Format of Hearing. The hearing will be held through tele/video conference and will be limited to oral argument on the parties' respective positions and not on the merits of any alleged violation. The parties' *Advisors* will be allowed to present the oral argument. The USOPC Office of Athlete Safety will present argument first, followed by the *Respondent*. The USOPC Office of Athlete Safety may reserve any remaining time for rebuttal. The *Hearing Panel* will reserve time to ask questions. No witnesses are allowed.
16. Participation in Hearing. The parties are expected to fully cooperate and participate in the *Temporary Measures* process. If a party does not participate in the proceedings after being given notice, the hearing will continue as scheduled and a *Decision* will be based on the evidence available.
17. Closed and Confidential hearing. The *Temporary Measures* hearing is a closed hearing and will be subject to the confidentiality provisions as outlined in the USOPC Athlete Safety Policy.
18. Communication. There shall be no *ex parte* communication with the *Hearing Panel*. All communication should be directed to Lucy Denley, Manager of Dispute Resolution at: lucy.denley@usopc.org. Each party must simultaneously provide the opposing party all filings and submissions.
19. Standard of Review. The *Hearing Panel* will make a determination based on whether there is *reasonable cause* to impose the temporary measure(s). Generally, this assessment is based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the sport community. The *Hearing Panel* will determine if the temporary measure(s) imposed by the USOPC Office of Athlete Safety is appropriately tailored to maintain the emotional or physical safety and well-being of the *Claimant* or other *Participants* within the Olympic and Paralympic Movement; to protect the best interest of sport and those who participate in it; or, such other valid purpose as set forth by the USOPC Office of Athlete Safety.

20. **Decision**. The *Hearing Panel* may approve, reject, modify, or stay the temporary measure(s) imposed by the USOPC Office of Athlete Safety. A *Decision* will be based on a majority vote of the *Hearing Panel* members. The *Hearing Panel* will render a *Decision* within twenty-four hours with a reasoned and binding written *Decision* to follow within ten days of the *Temporary Measures* hearing. The *Hearing Panel* may issue an interim *Decision* on an expedited basis, if necessary. The *Decision* is inadmissible and will be given no weight in a Final Hearing, if any.
21. **Notification and Enforcement**. The USOPC Office of Athlete Safety may provide a summary of the *Decision* to relevant stakeholders, as it deems appropriate, for the purposes of enforcement. All *NGBs*, *PSOs*, *LAOs* and the USOPC must enforce the *Decision* of the *Hearing Panel*.
22. **Appeal**. The *Respondent* may file an appeal with the AAA within 10 days of the *Hearing Panel's* decision being issued. The *Respondent* is responsible for paying the filing fee, along with half of the arbitrator expenses up front. A decision rendered by the AAA shall be final and binding on all parties.
23. **Section 9 Rights**. If *Respondent* is being denied or threatened to be denied the opportunity to participate in a *Protected Competition*, then they may pursue a complaint under Section 9 of the USOPC Bylaws.
24. **Athlete Ombuds**. The Office of the Athlete Ombuds is available to provide independent and confidential advice to elite athletes on sport-related rules, policies, and processes and to assist in the resolution of athlete concerns and disputes. Athletes may contact the Office of the Athlete Ombuds at ombudsman@usathlete.org or 719-866-5000 or visit their [website](#) for more information.

Final Hearing Procedures

For USOPC Athlete Safety Complaints

The Final Hearing Procedures provide additional details and expand upon the basic procedural requirements for a Final Hearing in accordance with the USOPC Athlete Safety Policy ("*Policy*"). The *Policy* shall govern and be binding in all respects and shall take precedent in the event of any conflict between these procedures and the *Policy*. These procedures will be followed when the USOPC Office of Athlete Safety issues a *Decision*⁵ against a *Respondent* finding a violation of the *Policy* and a request for a hearing is made.

1. **Jurisdiction**. After the USOPC Office of Athlete Safety has accepted jurisdiction over a matter, these hearing procedures for a Final Hearing shall apply when the USOPC Office of Athlete Safety issues a *Decision* finding a violation of *Prohibited Conduct* under the *Policy* and the *Respondent* specifically requests a hearing within ten (10) days of the *Decision* being issued. The Request for Hearing should be submitted by e-mail to DRU@usopc.org.
2. **Modifiable**. The USOPC Office of Athlete Safety may modify or stay a sanction at any time prior to a *Hearing Panel* decision without the action of the *Hearing Panel*.

⁵ All italicized words shall have the meaning as set forth in the USOPC Athlete Safety Policy.

3. Hearing Panel. The Dispute Resolution Unit (“DRU”) will appoint a three-person disinterested and impartial *Hearing Panel*, consisting of at least one athlete representative that will hear and render a decision on the matter. None of the individuals appointed to the *Hearing Panel* for the *Temporary Measures* Hearing shall be eligible for appointment to a Final Hearing in the same matter, if applicable.
4. Scope. The Final Hearing will be a de novo⁶ review of the underlying violation, along with the sanction. The parties may stipulate to the occurrence of a violation, and if so, the scope of the hearing will be limited to examining the sanction. For any case involving a *Criminal Charge* or *Criminal Disposition*, the *Criminal Charge* or *Criminal Disposition* is a per-se violation, and the scope of the hearing will be limited to examining the sanction.
5. Timing. DRU will use its best efforts to ensure that all Final Hearings are held within ninety days of the *Respondent’s* request for a hearing. DRU may shorten or extend such timeframe depending on the circumstances of the case, so long as a decision is rendered in a timely manner and taking into consideration any competition deadlines.
6. Parties. The parties for the Final Hearing proceeding are representatives for the USOPC Office of Athlete Safety and the *Respondent*. The *Claimant* will not be considered a party but will be allowed to participate in the Final Hearing.
7. Advisor. The parties and the *Claimant* have the right to be represented by an *Advisor* at all times at their own expense, who may be any person, including an attorney. The name and contact information of the parties’ *Advisors* must be provided in advance of the hearing.
8. Complaint. In order to initiate the Final Hearing proceeding, the USOPC Office of Athlete Safety will file a formal Complaint by e-mail to dru@usopc.org. This Complaint will contain, at a minimum (i) the *Notice of Decision*, (ii) the determined violation of the USOPC Athlete Safety Policy, (iii) the sanction imposed, (iv) the *Investigation Report*, if any, (v) the factual and legal basis for issuing its *Decision*, and (vi) any other relevant evidence.
9. Pre-Hearing Conference. A pre-hearing conference will be held to address issues that need to be resolved prior to the hearing. This may include, but not limited to (i) setting a date for the hearing along with timing and hearing procedures, (ii) timeline for additional submissions, (iii) any stipulations, (iv) timeline for the exchange of additional evidence, and (v) list of exhibits and witnesses. The *Hearing Panel* will issue a Scheduling Order setting forth relevant deadlines for the case, including the hearing date.
10. Respondent Answer. The *Respondent* may submit an Answer to the Complaint within the timeframe established by the *Hearing Panel*. The Answer should either agree with or deny the allegations in the Complaint and set forth the basis to challenge the violation and/or sanction. The Answer should also include the specific remedy requested. If no Answer is received, **the Respondent will be deemed to have agreed with the claim(s)**.

⁶ Defined as the *Hearing Panel* deciding the issues without reference to any legal conclusion or assumption previously made by the USOPC Office of Athlete Safety in determining the violation and/or sanction.

11. Pre-Hearing Briefs. The *Hearing Panel* may direct the parties to file pre-hearing briefs in advance of the hearing setting forth their arguments.
12. Evidence. Either party may present additional evidence, such as exhibits, as it deems necessary. Any additional evidence must be submitted to the *Hearing Panel* in advance of the Final Hearing in accordance with the deadlines provided by the *Hearing Panel*. The *Hearing Panel* will make a determination on admissibility of evidence.
13. Length of Hearing. The length of the Final Hearing will be limited to no more than eight hours, inclusive of the time allocated to the *Hearing Panel* for questions. If a party believes that more than eight hours will be needed for the hearing, they can submit a request to be considered by the *Hearing Panel*. The *Hearing Panel* may provide further details about the length of hearing in the Scheduling Order. Each party will receive an equal amount of time to present their position.
14. Format of Hearing. The hearing will be held through tele/video conference. The parties' *Advisors* will be allowed to present. Each party will have an opportunity for opening statements and then will proceed to witness testimony. The USOPC Office of Athlete Safety the party bringing the Complaint, will proceed first, followed by the *Respondent*. The *Hearing Panel* may allow for closing statements. The *Hearing Panel* will reserve time to ask questions. The *Claimant* may participate in the hearing by observing and offering a statement, subject to cross-examination.
15. Protections for Minors. The *Hearing Panel* may alter witness testimony and the opportunity for cross-examination for *Minors*. Any modifications for the protections of *Minors* will be communicated in advance. Additionally, the parent or legal guardian of any *Minor* in these proceedings will be copied and provided notice along with the *Minor* at any step.
16. Participation in Hearing. The parties are expected to fully cooperate and participate in the Final Hearing process. If a party does not participate in any part of the proceedings after being given notice, the hearing will continue as scheduled and a decision will be based on the evidence available.
17. Closed and Confidential Hearing. The Final Hearing is a closed hearing and will be subject to the confidentiality provisions as outlined in the USOPC Athlete Safety Policy.
18. Communication. There shall be no *ex parte* communication with the *Hearing Panel*. All communication should be directed to Lucy Denley, Manager of Dispute Resolution at: lucy.denley@usopc.org. Each party must simultaneously provide the opposing party and *Claimant* with all filings and submissions.
19. Standard of Review. The *Hearing Panel* will make a determination based upon a preponderance of the evidence standard whether the *Respondent* violated the USOPC Athlete Safety Policy. If a violation is found (or if the parties stipulate to a violation), when determining a sanction, the *Hearing Panel* will issue a sanction that is just and proportionate to the violation committed. 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 the *Hearing Panel* deems appropriate.

20. Decision. The *Hearing Panel* may approve, reject, modify, or stay any sanction imposed by the USOPC Office of Athlete Safety A *Decision* on the Final Hearing will be based on a majority vote of the *Hearing Panel* members. The *Hearing Panel* will render a *Decision* on the Final Hearing within seven days with a reasoned and binding written *Decision* on the Final Hearing to be issued within thirty days. The *Hearing Panel* may deliver an interim *Decision* on an expedited basis, if necessary.
21. Notification and Enforcement. The USOPC Office of Athlete Safety may provide a summary of the *Decision* to relevant stakeholders, as it deems appropriate, for the purposes of enforcement. All *NGBs*, *PSOs*, *LAOs* and the USOPC must enforce the *Decision* of the *Hearing Panel*.
22. Section 9 Arbitration. If a sanction is immediately imposed in the *Decision* that materially affects the individual's opportunity to participate or threatens to deny participation in a *Protected Competition*, the *Respondent* has the right to bypass these hearing procedures and proceed directly through Section 9 of the USOPC Bylaws and may simultaneously file a demand for arbitration with the American Arbitration Association ("AAA") before a single arbitrator for a final and binding decision. The *Respondent* is responsible for paying the filing fee, along with half of the arbitrator expenses up front.
23. Appeal. Within 10 days of the *Hearing Panel's* decision on the Final Hearing, the *Respondent* may file an appeal with the AAA. The *Respondent* is responsible for paying the filing fee, along with half of the arbitrator expenses up front. A decision rendered by the AAA shall be final and binding on all parties.
24. Athlete Ombuds. The Office of the Athlete Ombuds is available to provide independent and confidential advice to elite athletes on sport-related rules, policies, and processes and to assist in the resolution of athlete concerns and disputes. Athletes may contact the Office of the Athlete Ombuds at ombudsman@usathlete.org or 719-866-5000 or visit their [website](#) for more information.



USOPC Athlete Safety Policy

Appendix B

Data Reporting to the Center

Beginning in 2024, the *USOPC* will annually submit to the *Center* by the deadline specified by the *Center*, data maintained in its case management system regarding:

1. Reports of *Emotional* or *Physical Misconduct* made to the *USOPC*
 - a. Total reported incidents of alleged *Emotional Misconduct*
 - b. Total reported incidents of alleged *Physical Misconduct*
 - c. Total number of investigations of alleged *Emotional Misconduct*
 - d. Total number of investigations of alleged *Physical Misconduct*
 - e. Total number of violations for *Emotional Misconduct* adjudicated by the *USOPC*
 - f. Total number of violations for *Physical Misconduct* adjudicated by the *USOPC*
2. Reports to the *USOPC* that a Participant violated the Minor Athlete Abuse Prevention Policies (*MAAPP*)
 - a. Total reported incidents of alleged violations of the *MAAPP*, by policy type
 - b. Total number of investigations of alleged violations of the *MAAPP*
 - c. Total number of violations of the *MAAPP* adjudicated by the *USOPC*
3. Reports to the *USOPC* that a *Participant* engaged in *Retaliation*
 - a. Total reported incidents of alleged *Retaliation*
 - b. Total number of investigations of alleged *Retaliation*
 - c. Total number of violations of *Retaliation* policy adjudicated by the *USOPC*

Publication Type	Policy Approver	Enabling Action	Publication Date	Next Review	Revision Summary
Initial Publication	Board of Directors	Board Vote: January 17, 2020	January 20, 2020	September 2021	N/A – initial publication
Annual Review	Board of Directors	Board Vote: September 23, 2021	September 27, 2021	September 2022	Updates to policy statement, Section 2, Section 3, addition of Section 6.5, update to Section 7.2, update to Section 13, Addition of Appendix A – Hearing Procedures, addition of the USOPC Participant & Training Model to replace the Participants Coverage Model
Annual Review	Board of Directors	Board Vote: September 23, 2021	January 1, 2022	September 2022	Updated sections 4.2, 4.3, 5.2. and definitions in Section 13 to comply with MAAPP released January 1, 2022
Annual Review	Board of Directors	Board Vote:	December 12, 2022	December 2023	Updates to Section 2.1 and Participant & Training Model regarding athletes who are Participants, addition of full retaliation definition in Section 5.3.2 other violations of process moved to Section 5.3.3, updates to Section 7, 8, and addition of Appendix B to comply with the Center's Response & Resolution Standards. Updates to office title and supervisory title throughout.
Historical – USOC Safe Sport Policy	N/A	N/A	September 7, 2012	N/A	N/A - Historical
Historical- USOC SafeSport Policy	Board of Directors	Board vote: June 20, 2017	June 20, 2017	N/A	N/A - Historical
Historical –USOC Athlete Safety	Board of Directors	Board vote: April 18, 2018	April 18, 2018	June 2018	N/A - Historical
Historical – Review USOC Athlete Safety	Board of Directors	Board vote: June 22, 2018	June 22, 2018	December 2019	N/A - Historical