



## US Biathlon SafeSport Response and Resolution Policy

All US Biathlon SafeSport and Minor Athlete Abuse Prevention Policies (MAAPP) can be found online at <https://www.teamusa.org/us-biathlon/resources/safesport>. To report a concern, go to the link above, or contact The US Center for SafeSport <https://uscenterforsafesport.org/report-a-concern/>.

### **Part 1: Response and Resolution Process**

*As outlined in Part 4 of the US Biathlon SafeSport Policy*

#### **Reporting**

US Biathlon members and Adult Participants must report any major concerns or violations to US Biathlon and/or the US Center for SafeSport. Clubs are empowered to manage incidents that they have encountered if the reported incidents do not rise to the level of sexual misconduct or do not involve a minor, however, they may report such incidents to US Biathlon if they are unsure or would like outside involvement in resolving specific violations. Clubs should reference US Biathlon's Response & Resolution process, and follow similar procedures in dealing with such reports. To report a MAAPP violation to US Biathlon, please email [usbasafesport@usbiathlon.org](mailto:usbasafesport@usbiathlon.org). You may also report anonymously using this form: <https://forms.gle/NS8y5QYbXZJSFqnQA>. Reports to The Center can be made by going to <https://uscenterforsafesport.org/report-a-concern/>. US Biathlon will report allegations that fall within The Center's exclusive jurisdiction (see below) to The Center immediately upon receiving such complaints.

The US Center for SafeSport has exclusive jurisdiction in cases as outlined in the SafeSport Code (<https://uscenterforsafesport.org/response-and-resolution/safesport-code/>) including: Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct; Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct; Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct; Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process; Other Inappropriate Conduct, as defined in the code. The Center may also exercise discretionary jurisdiction in other cases including: Non-sexual Child Abuse; Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment; Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct; Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations; Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the processes of the USOPC, an NGB, an LAO, or any other organization under the Center's jurisdiction.

US Biathlon reminds members and adult participants of their obligation to report all suspicions of child abuse to local authorities as well as The US Center for SafeSport *immediately* after



becoming aware of the allegation. Members and participants should comply with applicable local and federal law in reporting all suspicions of child abuse and sexual misconduct.

### **Preliminary Determination**

On receipt of a disclosure and/or other information alleging misconduct, if the USBA CEO or Chairman of the Board is satisfied, in the exercise of his or her discretion, that there is a sufficient reasonable, reliable and persuasive evidence to support the complaint alleging emotional, physical or sexual misconduct, he or she shall notify the Review Panel. The CEO will also promptly inform the reporting party of its jurisdictional determination regarding the report. This communication will happen regardless if US Biathlon accepts jurisdiction, refers it to The Center, or is being referred to the local affiliate organization. US Biathlon will refer, within 24 hours, to The US Center for SafeSport any allegations that fall within their exclusive jurisdiction. The Review Panel will consist of the CEO or his/her designee, the Chair of the USBA Board of Directors or his/her designee, the Chair of the Ethics Committee, the USBA AAC representative, and legal counsel as determined by the Chair of the Board. The review panel shall determine if a Grievance exists and recommend either that the CEO attempt to resolve the matter informally as outlined in Chapter 32, Section 10 of the USBA Bylaws or whether the matter requires referral to the Hearing Committee and creation of a Hearing Panel as described in Chapter 33 of the USBA Bylaws (a summary of which is below – nothing contained therein is intended to supersede, replace or otherwise abrogate the USBA Bylaws).

### **Minor Witnesses**

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

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

### **Sanctions**

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

- a) The seriousness of the offense or act;
- b) The age of the accused individual and alleged victim when the offense or act occurred;
- c) Any information produced by the accused individual, or produced on behalf of the individual, in regard to the individual's rehabilitation and good conduct;



- d) Whether the individual poses an ongoing concern for the safety of USBA athletes and participants; and
- e) Any other information, which in the determination of the Panel, bears on the appropriate sanction.

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

USBA may maintain a publicly-available list of those individuals who have been sanctioned by the Center, the USOPC and/or USBA.

#### **Interim Measures/Suspension before Final Resolution**

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

Interim measures may include, but are not limited to, measures such as: altering training schedules, providing or requiring chaperones, implementing limitations on contact and/or one-on-one interactions, suspensions, etc. USBA may modify an interim measure at any time. The Participant to whom the interim measure applies may be required to arrange and pay for some or all of the measures.

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

#### **Appeal Right**

Any Ted Stevens Olympic and Amateur Sports Act suspension before final resolution may be appealed to the American Arbitration Association (AAA) at the written request of the accused



individual within 20 days of the suspension as further detailed in Chapter 33, Section 8 of the USBA Bylaws.

US Biathlon expressly prohibits retaliation before, during, and after the process of resolution, whether the process is led by The Center or by US Biathlon.

## **Part 2: Data on Matters Reported**

US Biathlon will respond to all requests from The Center within 72 hours. This includes but is not limited to requests regarding the eligibility status of a Participant and the existence of current temporary measures or safety plans. Normally the Director of Operations will be responsible for responding to these requests, but the CEO may also respond if the Director is unavailable.

US Biathlon will keep a record of all reported allegations of emotional and physical misconduct, Minor Athlete Abuse Prevention Policy (MAAPP) violations, and allegations of retaliation. US Biathlon will annually ask clubs to report all allegations received that were not referred to US Biathlon or The US Center for SafeSport. US Biathlon will track these reports electronically and annually report updated data to The Center.

Data annually reported to The Center will include:

1. Reports of emotional or physical misconduct made to US Biathlon or its local affiliated organizations
  - 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 US Biathlon, separated by cases adjudicated by US Biathlon and cases adjudicated by our local affiliated organizations
  - f. Total number of violations for physical misconduct adjudicated by US Biathlon, separated by cases adjudicated by US Biathlon and cases adjudicated by our local affiliated organizations
2. Reports to US Biathlon or its local affiliated organizations 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, separated by cases adjudicated by US Biathlon and cases adjudicated by its local affiliated organizations
3. Reports to US Biathlon or its local affiliated organization 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 separated by cases adjudicated by US Biathlon and cases adjudicated by our local affiliated organizations

### **Questions**

Please direct questions to US Biathlon Director of Operations, Sara Studebaker-Hall ([sara@usbiathlon.org](mailto:sara@usbiathlon.org)), US Biathlon's designated athlete safety coordinator. Together with the US Biathlon CEO and Membership Manager, the Director of Operations is responsible for communication with and response to all US Center for SafeSport communications and requests.