

# CLAIMANTS AND THEIR ADVISORS: WHAT TO EXPECT



We received a report alleging that someone has violated the [SafeSport Code](#). You are named as a Claimant (someone who may have experienced misconduct) in the report.

## Words to Know

- **Claimant:** a person reported to have experienced harm
- **Respondent:** a person reported to have caused harm

To help you navigate what happens next, we have answered some frequently asked questions about this stage of the process. Please reach out to us if you have more questions. You can:

- **Send us an email:** [process.navigators@safesport.org](mailto:process.navigators@safesport.org)
- **Leave us a voicemail:** 720-531-9024

## What Happens When the Center Receives the Report?

The first thing we need to do is determine if we have jurisdiction. We do that by contacting the National Governing Body (NGB) who provides membership records to our Initial Intake Team. The Initial Intake Team determines if we have authority over the Respondent.

If we do have jurisdiction, then we determine whether the Center will investigate the case or if the NGB will investigate.

- The Center handles **all** allegations of sexual misconduct and child abuse. We also report all allegations of child abuse, including child sexual abuse, to law enforcement.
- The NGB handles **most** physical and emotional abuse allegations.

## What Happens if the Center Exercises Jurisdiction?

We will assign an Intake Coordinator to conduct the Preliminary Inquiry stage of the case. They will:

- Reach out to all known Claimants (or a parent or guardian if the Claimant is a minor)
- Discuss your option to participate in the investigation
- Explain what the process looks like
- Gather basic information about your experience with the Respondent
- Determine next steps for the investigation

# What Are the Possible Case Outcomes?

There are a few possible next steps after the initial inquiry stage of our process has begun. Here is an overview of a few.

**Formal Resolution:** The case moves on to the Investigation stage. An Investigator will conduct formal recorded interviews with you, any other Claimants, witnesses, and the Respondent. They will also collect evidence to compile into an Investigation Report, which is reviewed by Center leadership.

Our Legal team will determine if there is sufficient evidence to find there was a violation of the SafeSport Code or any other relevant policy. If so, then our Case Resolution Committee will decide what the sanctions will be. Our Resolutions team will issue the Investigation Report and a Notice of Decision (NOD) to you, any other Claimants, and the Respondent. We will also share the NOD with the USOPC and the NGB.

**Informal Resolution:** The Respondent takes accountability for the misconduct. They voluntarily sign an NOD admitting to the violation and accepting the proposed sanctions. There is no need for a formal investigation. Respondents cannot appeal an Informal Resolution. The case is resolved.

**Alternative Resolution:** We may offer this kind of resolution to a Minor Respondent who was between the ages of 13-17 when the misconduct occurred. They would acknowledge that their behavior may have violated the Code, but no Code violation is found. The Minor Respondent also agrees to any safety conditions or educational requirements the Center sets.

**Conditional Resolution:** We may offer this kind of resolution to Minor Respondents who were under 13 when the misconduct occurred. They would agree to any safety conditions or educational requirements that the Center sets, but they are not admitting to the alleged misconduct. A Conditional Resolution does not mean a Code violation was found.

**Administrative Hold:** The Center is unable to move forward because:

- There is insufficient information or the Claimant is unidentified
- All Claimants decline to participate at this time and there is not enough additional evidence (e.g., physical evidence, photos, videos, etc.).

We will resume the investigation if additional information becomes available in the future.

**Administrative Closure:** The Center does not investigate because:

- The Respondent is deceased.
- The allegations have already been resolved by the NGB or club.
- There is no policy in the SafeSport Code prohibiting the allegations.
- All Claimants deny the misconduct occurred and there is no other evidence.
- The Center resolves some low severity allegations by having an educational conversation and issuing a letter of admonishment (for adults) or concern (for minors) to the Respondent.

## What is Preponderance of the Evidence?

This is a legal standard of proof that means **more likely than not**. In other words, the Center must be 50.1% certain the alleged misconduct occurred. That gives us the authority to say there was a violation and impose sanctions. We consider testimonies of all parties and/or documentation to support those testimonies. If we cannot meet this burden of proof, we cannot find a violation. This does not mean we do not believe you or other Claimants. It means we were not able to meet a Preponderance of the Evidence.

## What Temporary Measures (TMs) and Sanctions Can We Impose?

During an investigation, the Center can impose TMs on the Respondent. These are to decrease perceived risks to you and/or the sporting community. The investigative team will ask for your input if TMs are being considered in your case.

### Example TMs:

- No Contact Directive
- Modifications to the Respondent's schedule or duties
- Limitations on where the Respondent can be inside a facility
- Restrictions on team travel
- Temporary suspension from all activity affiliated with the NGB or the entire U.S. Olympic and Paralympic Movement

### Others Who Can Impose Temporary Safety Measures:

- The USOPC
- NGB
- Regional/state/local affiliated organization, club, or event director

Only the Center can impose sanctions on the Respondent after an investigation if a violation was found.

### Example Sanctions:

- No Contact Directive
- SafeSport education
- Reflective essay
- Letter of apology
- Probation
- Suspension
- Ineligibility from all NGB activity (in the most severe cases)

Some TMs or sanctions may limit an adult Respondent's ability to participate with the U.S. Olympic and Paralympic Movement. These are publicly posted on our [Centralized Disciplinary Database](#), as required by federal law. We do not publicly post any information regarding minor Respondents.



## How is My Interview and Any Evidence I Provide Used?

We may show evidence to the Respondent for their response or to see if they will accept an Informal Resolution. We compile interview transcripts and evidence in the Investigation Report for cases that conclude with a formal resolution. Both you and the Respondent can view the Investigation Report, but neither of you can download or share it. Otherwise, any information you provide to the Center will remain confidential in our case management system.

## Can I Talk About My Story and the Investigation With Others?

Yes, the SafeSport Code allows Claimants and Respondents to speak freely about the allegations, the investigation, and the outcome. We ask that you do so accurately. We also caution parties to carefully consider what you say and how publicly you say things. This is to avoid any additional SafeSport reports alleging harassment, retaliation, or abuse of process.

### It Is YOUR Decision Whether or Not You Participate in the Investigation

Recounting traumatic experiences is difficult. You may not be ready to take this on right now. That's okay. If you decline participating now, you can always change your mind in the future and contact us. We have no statute of limitations, meaning we can address misconduct at any time no matter how long ago it occurred. In most cases, we cannot move forward without a participating Claimant. So, we would likely put the case on an administrative hold. We can resume when/if you decide to participate later.

### It Is YOUR Decision How Frequently and How You Receive Updates

We want to limit the potential of re-traumatization in our process. The investigative team will ask how they should contact you and how often you want updates on the case. Receiving case updates mixed in with your regular email or voicemails may be triggering or unwanted. Consider creating a new email address or phone number for yourself just for this purpose.

### It Is YOUR Decision Whether You Have an Advisor and/or Support Person

Every Claimant and Respondent has the right to an Advisor of their choice if they want one. The Advisor would need to be a person who cannot be called as a witness. They also cannot be a staff person, board member, or attorney for your club or NGB. This person would receive the same formal notices as you. They can be present during any interviews or other communication with the Center. You also have the right to a Support Person of your choosing. They can be with you during your interview, but they will not receive formal notices or be privy to confidential information about the investigation.

## Who Should I Contact if I Have More Questions or Need Help?

Our Process Navigators can connect you with resources for support at any time throughout this process, even if you decide not to participate in the investigation. We offer services in both English and Spanish.

- **Send us an email:** [process.navigators@safesport.org](mailto:process.navigators@safesport.org)
- **Leave us a voicemail:** 720-531-9024

Emails and calls are usually returned during our business hours, Monday - Friday, 8 a.m. - 4 p.m. MT. We will return all messages by the end of the next business day.

### We Can Help You Find:

- Therapy/counseling and support groups
- 24/7 helplines
- Your local sexual and/or domestic violence resource center
- Information about sexual abuse (e.g., grooming, recovering, statistics), physical abuse (e.g., bullying, hazing), and emotional abuse (e.g., cyberbullying, harassment)
- Education about mental health topics (e.g., anxiety, depression, anger, PTSD, addiction, eating disorders, self-harm, suicidal thoughts)

*This document is for educational purposes. It is meant to help explain the Center's legal documents and policies (e.g., the SafeSport Code). It does not replace or override them. The information in this document does not constitute legal or medical advice.*

