

# RESPONDENTS AND THEIR ADVISORS: WHAT TO EXPECT



We received a report alleging that you have violated the [SafeSport Code](#). To help you navigate what happens next, we have answered some frequently asked questions about this stage of the process.

## Words to Know

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

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 and other information 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 criminal charges involving 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 to gather basic information. Then they consult with their Assistant Director to determine if/how the case will proceed. You will not be contacted by the investigative team before this point. You will receive a formal notice, typically via email, when it is time to bring you into the process.

# What Are the Possible Case Outcomes?

There are a few possible next steps during and 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, each Claimant, and any witnesses. They will also collect evidence to compile into a document that all participating Claimants and the Respondent will have an opportunity to review.

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 Notice of Decision (NOD) to you and the Claimant(s). We will also share the Investigation Report/NOD with the USOPC and the NGB. Claimant names are not included in this document.

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

**Alternative Resolution:** We may offer this kind of resolution to a Minor Respondent between the ages of 13-17 when the misconduct occurred. You would acknowledge that your behavior may have violated the Code, but this does not mean a Code violation was found. You also agree to any safety conditions or educational requirements the Center sets.

**Conditional Resolution:** We may offer this kind of resolution to Respondents under 13. You would agree to any safety conditions or educational requirements that the Center sets, but you 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 to move forward without their participation (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 allegations have already been appropriately resolved by the NGB or club.
- There is no policy in the SafeSport Code prohibiting the allegations, or if the allegations occurred prior to the SafeSport Code, they don't violate the local law or policies in place at the time.
- 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 relevant parties and/or documentation to support those testimonies. If we cannot meet this burden of proof, we cannot find a violation.

## What is an Administrative Closure With an Admonishment?

Admonish has multiple definitions. We use it *to advise or urge someone* and *to warn someone of something to be avoided*. An Admonishment is not a reprimand or punishment. It also does not clear you of the allegations made against you.

If we give you a Letter of Admonishment, you will also have an educational conversation with a staff member at the Center. This ensures you are aware of the reported behavior so you can understand what the SafeSport Code prohibits. It can also help you avoid any potential SafeSport Code violations in the future. In most cases, Letters of Admonishment are only sent to you. They are not provided to Claimants. In circumstances where a Letter needs to be shared with the NGB, the Respondent will be notified. We can take an Admonishment into account in any future cases against you.

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

At any time in the process, the Center can impose TMs on the Respondent. TMs are not a finding of guilt. They are a safety precaution based on the severity of the allegations, evidence to support those allegations, and perceived risk of your continued participation in sport. We will send you and your NGB a formal notice if we impose TMs in your case.

### Example TMs:

- No Contact Directive
- Modifications to your schedule or duties
- Limitations on where you can be inside a facility (e.g. not being able to enter a locker room)
- 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



### 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 in 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 Respondents who were minors at the time the misconduct took place.

## What About Retaliation?

The SafeSport Code prohibits Retaliation against someone for participating in a SafeSport investigation. Although retaliation is forbidden, it sometimes happens. Report any acts of retaliation, harassment, or abuse to the Center. Our Process Navigators are also available to connect you with resources for support.

Please know that your club can make employment/rostering decisions, and your NGB can make membership decisions as they see fit. We do not typically consider these acts of retaliation.

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

We may show evidence you provide to a Claimant or witness for their response. We compile interview transcripts and evidence for the participating Claimants and Respondent to review and respond to at the end of a formal investigation. At the conclusion of a formal investigation, both you and the Claimant can view the confidential Investigation Report/Notice of Decision, but cannot download or share it. Otherwise, any information you provide to the Center will remain confidential in our case management system. The only exception is instances involving child abuse, where staff at the Center are required to report to the appropriate law enforcement authorities.

## 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. Respondents are prohibited from publicly identifying a Claimant.

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

We understand there may be reasons you do not wish to be involved in the investigation. Maybe you are no longer involved in sport. Maybe it is too distressing. The case will continue forward with or without your input. That means we may still find there was a violation and impose sanctions even if you are not participating in the investigation. We will send the NOD to you when the case concludes.

### 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 neutral person who cannot be called as a witness. They also cannot be a staff person, board member, or attorney for your club, your NGB, the USOPC or the Center. This person would receive the same formal notices as you and can be present during any interviews or other communication with the Center. You also have the right to a neutral 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.

### It Is YOUR Decision If You Want to Arbitrate TMs or Sanctions

You have the option to challenge TMs that impact your ability to participate with your NGB and any sanctions imposed. The formal notice you receive imposing those TMs or sanctions will have instructions on how to request a hearing. As there is a 3rd party independent arbitrator, there are fees involved. You can request a hardship exemption application from the Center if you are unable to pay the fee.

## Who Should I Contact if I Have More Questions?

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
- 24/7 helplines
- Attorneys familiar with SafeSport
- 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.*

