

ARBITRATIONS OVERVIEW

The following is intended to provide answers to frequently asked questions related to the Center's arbitration process, which may occur after either (1) the Center implements a Temporary Measure affecting a Participant's ability to participate in sport ("Temporary Measures Hearing"), or (2) the Center completes an investigation and renders a Decision ("Merits Arbitration"). This process is governed by the SafeSport Code for the U.S Olympic and Paralympic Movements ("the Code"), available online at www.uscenterforsafesport.org.

What is the difference between a Temporary Measures hearing and a Merits Arbitration?

As the name suggests, a Temporary Measures Hearing provides a Respondent an opportunity to contest the imposition of certain Temporary Measures implemented by the Center, whereas a Merits Arbitration is a Respondent's opportunity to contest the Center's findings after an investigation has been completed and a Notice of Decision issued. For more information about Temporary Measures, please see the corresponding FAQ.

Does a Merits Arbitration occur automatically, or do I have to request it?

As set forth in the Notice of Decision, you must request a Merits Arbitration (or receive an extension of time to request a Merits Arbitration) within ten business days of the issuance of the Decision. If you do not request an Arbitration (or receive an extension of time), the Center's decision is final.

I thought the Center made its decision; why is there a hearing?

The Center's Notice of Decision is one step in the Center's process. It represents the Center's determination that the alleged conduct either did or did not occur and the appropriate sanction(s), if any. To ensure a fair process, Respondents may request that the Center present its case to an independent arbitrator. The arbitrator will review the facts and evidence and reach an independent and binding decision regarding whether the Center has shown a violation more likely than not occurred (preponderance of the evidence) and, if so, imposed the appropriate sanction.

Who pays for a Merits Arbitration?

A Respondent is responsible for the JAMS arbitration fee. In certain circumstances, an arbitrator may require the Center to reimburse a Respondent for some or all of the arbitration fee. A Respondent may also apply for a hardship exemption if they are unable to pay the arbitration fee. A Claimant is not responsible for any of the costs associated with an Arbitration.

Generally, what happens at an Arbitration?

Typically, a Merits Arbitration looks a lot like a mini-trial. Each side will make an opening statement, present witnesses and evidence, and make closing statements. The Center has the burden to prove the misconduct more likely than not occurred, and that it imposed the appropriate sanction.

Who has to testify at a Merits Arbitration?

To ensure the arbitrator makes a fully informed decision, the Center seeks to provide the arbitrator with all relevant evidence, including testimonial and documentary evidence. To ensure the best presentation of the matter, this typically will include the testimony of the Claimant(s) and any relevant witnesses. The Center recognizes that it may be difficult for some Claimants to participate fully in an arbitration hearing and offers alternative methods of providing testimony, including participating in the arbitration through video conference rather than in person, and responding to questions from the arbitrator rather than from Respondent or Respondent's counsel. A Claimant can discuss these and other options for participation with the Center's counsel prior to an Arbitration. In some cases, if a Claimant chooses not to participate in the Merits Arbitration (as is their right), the Center may determine that it cannot move forward without such testimony. In such cases, the Center may seek to withdraw its Decision until such time as a Claimant decides to participate.

Where is an Arbitration held? Would I have to travel for it?

Merits Arbitrations are typically held by video-conference. You can participate remotely from anywhere in the world through any device (such as a laptop) that can access video-conferencing. In some cases, a Respondent or the Center may request and be granted an in-person hearing. In such instances, you can choose to appear in-person or through the video-conference.

How long does an Arbitration hearing last?

Except in exceptional circumstances (as determined by the Arbitrator), Merits Arbitrations are typically to be completed within one-day.

Who are the arbitrators who conduct these hearings?

JAMS, an independent arbitration services provider, administers the Merits Arbitrations. The JAMS arbitrators utilized by the Center are former judges and practicing attorneys who have experience in sexual misconduct cases, and all receive SafeSport arbitrator training.