

## The Empowering Olympic, Paralympic, and Amateur Athletes Act and Response & Resolution

In October 2020, Congress passed the [Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020](#). This law made changes across the Olympic & Paralympic Movement, including to the United States Olympic & Paralympic Committee (USOPC), National Governing Bodies (NGBs), and the U.S. Center for SafeSport (the Center), to better protect athletes from abuse. Some of these changes impact the Center's Response & Resolution policies and procedures. Those changes are summarized below.

Topic	U.S. Code	Change
Definition of National Governing Body (NGB)	36 USC § 220501(b)(8)	<p>The law expands the definition of NGB to include High Performance Management Organizations (HPMOs) and Paralympic Sports Organizations (PSOs).</p> <p>As these organizations had already voluntarily come under the Center's jurisdiction, there will be no change to the Center's current jurisdiction.</p>
Public Database	36 USC § 220541(a)(1)(G)	<p>The law requires the Center to publish an online database of all adults barred by the Center.</p> <p>The Center already publishes a Centralized Disciplinary Database that lists all adults that have been suspended or deemed ineligible to participate in the Olympic &amp; Paralympic Movement.</p>
Due Process	36 USC § 220541(a)(1)(H)	<p>The law extends certain procedural due process protections to Respondents. These include:</p> <ol style="list-style-type: none"> <li>1. The provision of written notice of allegations against the Respondent;</li> <li>2. The right to be represented by counsel or other advisor;</li> <li>3. An opportunity to be heard during the investigation;</li> <li>4. A reasoned decision from the Center if a violation is found;</li> <li>5. The ability to challenge through arbitration any temporary measures or sanctions imposed by the Center.</li> </ol> <p>The SafeSport Code already incorporated these procedural rights into the investigative process. In addition, Respondents with criminal dispositions will receive a Notice of Allegations and an opportunity to speak to an investigator and provide relevant information and evidence before a decision is issued.</p>

		The law expressly allows the Center to issue temporary measures, decisions, and sanctions before providing an opportunity for a hearing or arbitration. 36 USC § 220541(a)(2)(A).
Interference in an investigation by an NGB or the USOPC	36 USC § 220541(f)(4)	The law prohibits NGBs and the USOPC from interfering in, attempting to interfere in, or influencing the outcome of the Center’s investigations. The Center must report any violation to Congress.
Confidentiality	36 USC § 220541(f)(4)(C)	<p>The law requires that the Center’s investigative files, including investigation reports and decisions, be kept confidential. As the Center already had strict confidentiality provisions in place through the SafeSport Code, there will be no changes to the current confidentiality policy.</p> <p>The law permits the Center to disclose investigative work product to law enforcement to assist in criminal investigations.</p> <p>The law also provides additional confidentiality protections that prohibit disclosure of investigative work product in civil proceedings unless the Center is a party to the civil lawsuit.</p>
Coordination with law enforcement	36 USC § 220542(a)(2)(D)	<p>The law requires the Center wait 72 hours before notifying a Respondent of any investigation unless law enforcement authorizes the Center to notify the Respondent.</p> <p>However, the Center can act sooner if failing to notify the Respondent would result in an “imminent hazard.”</p> <p>In every case, it is the Center’s longstanding practice to work cooperatively with law enforcement.</p>
Mandatory reporting of child abuse	36 USC § 220542(a)(2)(B)	<p>The law now expressly requires that the Center report any suspicion of child abuse to law enforcement.</p> <p>The Center has always considered itself a mandatory reporter of child abuse, and it reports every allegation of child abuse to the appropriate law enforcement agency.</p>
Retaliation	36 USC § 220542(a)(2)(G)	The law requires the Center to have procedures to prohibit retaliation by the USOPC or an NGB.

		The SafeSport Code prohibits retaliation by any Participant, including employees of the USOPC and the NGBs. The Center takes retaliation seriously, and violations of this provision can lead to sanctions, including permanent ineligibility.
Evidence related to prior or subsequent conduct	36 USC § 220542(a)(2)(J)	<p>Evidence relating to other sexual behavior or the sexual predisposition of the Claimant cannot be considered in any decision, nor admitted as evidence in any arbitration, unless the probative value of the use or admission of such evidence, as determined by the Center or the arbitrator, as applicable, substantially outweighs the danger of—</p> <ul style="list-style-type: none"> <li>(i) any harm to the alleged victim; and</li> <li>(ii) unfair prejudice to any party.</li> </ul> <p>This provision replaces Section XI.L of the SafeSport Code.</p>
Training for investigators	36 USC § 220542(a)(2)(K)	<p>The law requires the Center to provide training for investigators on appropriate methods and techniques for ensuring sensitivity towards Claimants.</p> <p>The Center offers a robust onboarding and training program for its investigators, which includes training on interviewing techniques and trauma-informed investigations.</p>