

# RESPONSE AND RESOLUTION PROCESS FOR CLAIMANTS

## INTRODUCTION

The U.S. Center for SafeSport (“Center”) is a nonprofit organization authorized by the United States Congress to investigate and resolve allegations of misconduct within the Olympic and Paralympic Movement. The Center is separate and independent from the United States Olympic and Paralympic Committee (“USOPC”), the governing bodies for Olympic and Paralympic sports, and local clubs under auspices of the Movement.

As detailed in the Center's [SafeSport Code](#) (“Code”), the Center has the exclusive authority to investigate and resolve allegations involving sexual misconduct/abuse within the Olympic and Paralympic Movement. The Center may also exercise discretionary authority over varied types of reported emotional and physical misconduct/abuse prohibited by the Code or by the Minor Athlete Abuse Prevention Policies.

The Center may resolve reports of misconduct either through a Formal Resolution, Informal Resolution, Administrative Closure, or Administrative Hold. The Center determines the method of resolution based on the severity of the misconduct, the available evidence, and whether the individual reported to have engaged in the misconduct (the “Respondent”) poses an ongoing risk to the Movement. You (the “Claimant”) will receive status updates and be informed of the outcome of the case.

When the Center receives a Report, or at any point in a case process, the Center may impose Temporary Measures to alter or limit a Respondent's access to the Olympic or Paralympic Movement. Generally, Temporary Measures are implemented based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the sport community. Temporary measures may include but are not limited to: altered training schedules, provision or requirement of chaperones, contact limitations, prohibition of one-on-one interactions, or suspension from some or all aspects of sport participation. The Center is able to modify Temporary Measures at any time before a matter is resolved, and an updated Notice of Allegations would be issued to all relevant parties. National Governing Bodies and Local Affiliated Organizations are also able to impose safety measures and make their own membership and employment decisions.



## YOUR OPTIONS REGARDING PARTICIPATION

You have been identified as an individual who may have experienced reported misconduct/abuse. Your participation in the Center's Response and Resolution process is completely voluntary. You may have an Advisor of your choosing (support person, advocate, attorney, etc.) present with you throughout the process, including any time you speak with Center staff. [See Section XI.I.2 of the SafeSport Code for additional information concerning Advisors.](#)

You may choose if and when to speak with the Center about the reported misconduct/abuse or may decline to do so. You may also choose the frequency and method in which you receive updates regarding the status of the investigation. Additionally, the Center may move forward with an investigation without your participation if the Center determines it has sufficient information to come to a resolution by a preponderance of the evidence and the resolution would contribute to the safety of the sporting community within the Movement. If this occurs, the Center will inform you of the reasoning behind the decision.



## RESOURCES AND INFORMATION

It is important to note that all U.S. Center for SafeSport staff are mandatory reporters and are legally obligated to report any knowledge or suspicion of child abuse, in any form, to law enforcement.

The Center employs Process Navigators who can answer any questions you may have regarding the Center's Response & Resolution process and who can connect you to online, local, and national resources for mental health support, 24/7 hotlines/helplines, educational materials, legal representation, or other desired resources that may benefit you during your involvement with the Center. If you have questions about our process or would like more information about resources, please reach out to the Navigators at [Process.Navigators@SafeSport.org](mailto:Process.Navigators@SafeSport.org) or **720-531-9024**. Voicemails and emails are returned by the end of the following business day.



## RESOLUTION PROCESS

**Preliminary Inquiry** If you do elect to speak with the Center about the reported misconduct/abuse, an initial telephone call with you will be conducted by an Intake Coordinator, who will review any information the Center has received and gather basic information related to your experience with the Respondent(s). At the conclusion of the call, the Intake Coordinator may proceed with an Informal Resolution, refer for a formal investigation, or the case may be Administratively Closed or Held.

**Formal Investigation** If the matter proceeds to an investigation, the Investigator will request a formal interview during which you may be asked to provide the full details of your experience. At the conclusion of the formal investigation, the Center will determine whether to proceed with an Informal Resolution, formal Investigation Report, or in some instances Administratively Hold or Close the case.

If the Center determines to proceed with an Informal Resolution or formal Investigation Report, the Investigator will determine if there are findings (i.e., violations of the SafeSport Code). The Center bases its determination of findings on the SafeSport Code or on relevant policies in place at the time of an incident. If neither the Code nor applicable Minor Athlete Abuse Prevention Policies were in existence at the time of the incident, the Center refers to community standards, often in the form of criminal laws or National Governing Body (the “NGB”) policies, to determine if the conduct constituted a misconduct/abuse violation sanctionable by the Center.

### ***14-Day Opportunity to Respond and Review***

If the Center conducts a full investigation and determines a formal Investigation Report is appropriate, prior to drafting the Investigation Report, you and the Respondent will be provided an opportunity to review all the evidence collected (with the exception of information the Center must redact, including but not limited to medical reports or Personal Identifying Information). During this time, you can provide the Investigator with any additional information or evidence, in writing, that you believe is relevant to the investigation. This 14-day review period at the conclusion of the investigation limits Respondents' ability to submit new evidence during potential arbitration proceeding.

Prior to the 14-day Opportunity to Review and Respond, and before any evidence is sent, Claimants (and Respondents) will be notified the investigation has concluded, and the documentation is being prepared for review and response. The Center understands reviewing evidence related to a case may trigger difficult emotions or memories related to traumatic experiences. With that in mind, Claimants may opt-out of the Opportunity to Review and Respond at any time.



## **PRIVACY AND RETALIATION CONCERNS**

The Center always makes reasonable efforts to protect your privacy. During an investigation, the Respondent (and other witnesses) may need to learn your name and the details of the investigation so an allegation can be fully investigated. The Code prohibits Participants (i.e. Respondents, other Claimants, and Witnesses participating in the Olympic and Paralympic Movement) from publicly sharing your identity as a Claimant. If the Center implements temporary measures or final sanctions that the Respondent chooses to arbitrate, your identity will be known to those involved in the arbitration process. However, all arbitration proceedings are confidential.

It is understandable that you may have concerns about potential repercussions related to your participation in our process as a Claimant. Please know that retaliation against any party involved in the Center's process is a violation of the SafeSport Code and the Center prohibits retaliation of any kind. Should a party involved in our process retaliate against you as a result of the report of misconduct/abuse or your participation in our process, it may lead to the retaliator's suspension or prohibition from sport participation for that retaliatory action alone. Please report any acts of retaliation to the Center by submitting a report via our website or calling our reporting hotline during regular business hours. You are also able to pursue protection from processes outside the scope of SafeSport, such as submitting reports to law enforcement, seeking protection orders, and/or consulting an attorney regarding civil action.



## POSSIBLE CASE OUTCOMES

### Informal Resolution

Informal Resolutions are a tool the Center utilizes to resolve, at the Center's discretion, allegations of Prohibited Conduct in which the Respondent takes accountability for their action(s). An Informal Resolution may decrease the number of times individuals, including Claimants, are interviewed and potentially called to testify at an arbitration. If there is an Informal Resolution, a Respondent must accept responsibility for a policy violation and agree to whatever sanction the Center imposes. A Respondent waives their right to arbitration by entering an Informal Resolution. If the sanction includes banning or limiting the Respondent's participation in the Movement, it will be published on the Center's Centralized Disciplinary Database. An Informal Resolution constitutes a final and binding disposition of the matter and does not require a full Investigation Report. ***The Center will notify a Claimant if a case is resolved with an Informal Resolution.***

### Administrative Closure

An Administrative Closure may be used after the Center accepts jurisdiction and determines one of the following case closure categories is appropriate. Below are the definitions for the types of Administrative Closures.

- 1. No Applicable Policy:** The alleged misconduct, even if true, would not rise to the level of a violation of the Code, and there is no applicable NGB policy at the time the reported misconduct occurred.
- 2. Previously Adjudicated:** The specific allegations reported to the Center are confirmed to have been appropriately adjudicated and/or formally resolved by the USOPC, NGB, or LAO, and no new information materially changing the circumstances of the previous adjudication has been presented to the Center. Documentation must be obtained from the USOPC, NGB, or LAO confirming the prior adjudication.
- 3. Admonishment:** The Center has determined that the reported misconduct is best addressed with the Respondent in an educational conversation that is followed by a Letter of Admonishment. If there are additional reports of the same or similar behavior following the issuance of a Letter of Admonishment, a new case may be opened. The Letter of Admonishment may be used as an aggravator in any subsequent case(s).
- 4. Deceased Respondent:** When the Center has confirmation that the Respondent is deceased, the case will be Administratively Closed.
- 5. Unsupported Allegations:** The reported Claimant(s) deny that they have experienced misconduct, and there is no corroborative evidence to support the allegations. Most Unsupported Allegations cases will be related to reports made by Third Parties.

***Claimants will be notified of the closure, as well as the reason for the closure, if a case is administratively closed.*** When the Center administratively closes a case, there are no restrictions from the Center on the Respondent's ability to participate with the U.S. Olympic and Paralympic Movement. However, after the Center administratively closes a case, National Governing Bodies are able to make their own membership or employment decisions, or implement safety plans as they deem appropriate.

## **Administrative Hold**

An Administrative Hold may be used if the Center determines that it cannot move forward with a case but would like to maintain the ability to reopen and continue the investigation in the future. The Center administratively holds cases for the following reasons.

- 1. Insufficient Information:** There is insufficient information to proceed with or continue a formal investigation regarding a reported violation of the Code. Lack of party and/or witness participation and/or relevant documentary evidence impedes a full assessment of the allegations, and such participation and/or evidence, if they were to become available, would be necessary to determine investigatory finding(s). An Administrative Hold for Insufficient Information may also include cases in which the Claimant has declined to participate in the Center's process, and cases in which a Claimant is non-responsive.
- 2. Unidentified Claimant:** When the report alleges misconduct but does not specify the Claimant, the Center has exhausted all means to obtain information and Claimant remains unidentified, and their participation is deemed necessary for the Center to proceed with an investigation.

***Claimants will be notified if a case is placed on an Administrative Hold.*** When the Center administratively holds a case, there are no restrictions from the Center on the respondent's ability to participate with the U.S. Olympic and Paralympic Movement. However, National Governing Bodies and their regional/state/local affiliated organizations always have the right to make their own membership and employment decisions and implement any safety plans they deem appropriate.



## **INVESTIGATION REPORT AND NOTICE OF DECISION**

An Investigation Report is a comprehensive document which includes copies of all interview transcripts, relevant policy, and evidence collected during the investigation. The Investigator will draft Investigative Findings containing a summary of the evidence and whether it meets the preponderance standard. A copy of the Investigation Report will only be made available to you and the Respondent. The Investigation Report is a confidential document and any downloading or sharing of the document with other parties is prohibited.

A Notice of Decision is a summary of the investigative findings and legal analysis explaining how the conduct did or did not violate the Code. A copy of the Notice of Decision will be made available to you, the Respondent, the appropriate NGB, and the USOPC. The Notice of Decision is a confidential document and any downloading or sharing of the document with other parties is prohibited.



## ARBITRATION

After the Center completes a Formal Resolution and issues a Notice of Decision in which a violation is found, a Respondent may challenge the Center's findings via arbitration. The arbitration is a hearing, typically virtual, before a neutral arbitrator wherein the Center and the Respondent have an opportunity to present opening and closing arguments and introduce evidence, including testimony from Claimants and witnesses.

As a Claimant, you and your Advisor have the right to attend the entire arbitration, whereas witnesses may only be present for their own testimony. Additionally, while witnesses will be asked questions by the Center's attorney(s) and the Respondent's Advisor(s) through direct and cross-examination, Claimants will only be questioned by the arbitrator unless you agree to direct examination by the Center and cross-examination by the Respondent's Advisor(s). The arbitrator may also ask any questions they have to ensure they obtain sufficient information to render a decision.

It is presumed that Minor Claimants will not testify at a live hearing and may only be asked to do so in exceptional circumstances as determined by the arbitrator.

The 14-Day Opportunity to Review and Respond at the conclusion of the active investigation, discussed above, prevents the ability to submit additional evidence during arbitration proceedings, unless that evidence was previously unavailable to parties during the investigative process.

As noted above, all arbitration proceedings—including the arbitrator's final decision—are confidential. The arbitrator will issue a written decision no later than 7 business days from the date of the end of arbitration, unless an extension is agreed upon by the parties. Once the Center receives the decision, it will share the outcome with you. The arbitrator's decision is final and unable to be appealed.