

RESPONSE AND RESOLUTION PROCESS FOR RESPONDENTS

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 several factors, including the severity of the alleged misconduct, the available evidence, and perceived risk to the safety of others in the Movement. The Respondent (“you”) will receive status updates and be informed of the outcome of the case. You may also choose the frequency and method in which you receive updates regarding the status of the investigation



RESOURCES AND INFORMATION

It is important to note that all Center 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 or **720-531-9024**. Voicemails and emails are returned by the end of the following business day.



NOTICE OF ALLEGATIONS AND IMPOSITION OF TEMPORARY MEASURES

If the Center believes implementation of Temporary Measures is appropriate and/or the matter proceeds into a formal investigation, the Center will issue a Notice of Allegations & Imposition of Temporary Measures document which outlines the allegations of misconduct against you and imposes necessary Temporary Measures. The Notice of Allegations (sometimes including Imposition of Temporary Measures) will be issued to you, and the National Governing Body (“NGB”). It is a confidential document that cannot not be shared with other parties. The NGB and any individual who reportedly experienced misconduct/abuse (“the Claimant”) are provided with a Summary of Temporary Measures. The NGB can share with those they consider to be “need to know” parties at the regional, state, and/or local level.

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 and Paralympic Movement. An imposition of Temporary Measures is not a finding that you violated the Code nor are the Temporary Measures considered sanctions. The Center has determined, with the information available, there is a need to ensure that all parties in sport are safe. 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 can impose, modify, or rescind Temporary Measures any time before a matter resolves, and an updated Notice of Allegations would be issued to all relevant parties. Failure to comply with the Center's Temporary Measures constitutes an additional and separate violation of the SafeSport Code. NGBs and local affiliated organizations are also able to impose safety measures and make their own membership and employment decisions.

If Temporary Measures impact your ability to participate, you are able to request a hearing to dispute the need for Temporary Measures. See Section XIV.40 of the SafeSport Code for more information regarding Temporary Measures hearings. To request a Temporary Measures hearing, email Resolutions@SafeSport.org.



RESOLUTION PROCESS

Preliminary Inquiry When the Center receives a report of misconduct/abuse, an Intake Coordinator gathers basic information related to the allegations by communicating with the Claimant(s), obtaining court documentation if applicable, and/or collecting any other documentary evidence.

Typically, the Intake Coordinator has limited communication with you unless they have enough information to attempt to resolve the matter with an Informal Resolution or to Administratively Hold or Close the case.

Formal Investigation If the matter proceeds to an investigation, the Investigator will formally issue a Notice of Allegations and request a formal interview. 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. The Center bases its determination of findings on the 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 or civil laws or NGB policies, to determine if the conduct constituted a misconduct/abuse violation sanctionable by the Center.

Formal Interview

You have been identified as an individual alleged to have engaged in misconduct. 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.1.2 of the SafeSport Code for additional information concerning Advisors.

You may choose if and when to speak with the Center about the alleged misconduct/abuse or may decline to do so. However, the Center will move forward with an investigation without your participation.

When the Investigator has sufficient information to proceed with your interview, they will confirm you've received a Notice of Allegations and reach out to schedule a time to speak. Most interviews are conducted via a recorded video call. Additionally, you will also be able to submit your own evidence and relevant witness information to the Investigator.

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 Claimant(s) 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 period, you can provide the Investigator with any additional information or evidence, in writing, that you believe is relevant to the investigation. The 14-day review period at the conclusion of the investigation limits your ability to submit new evidence during potential arbitrations proceedings, unless that evidence was previously unavailable to parties during the investigative process.

Prior to the 14-Day Opportunity to Review and Respond, and before any evidence is sent, you and any Claimant(s) 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 be difficult. With that in mind, you may opt-out of the Opportunity to Review and Respond at any time.



PRIVACY AND RETALIATION CONCERNS

During an investigation, you (and other witnesses) may learn the Claimant's 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 the Claimant's name.

Please know that Retaliation against any party involved in the Center's process is a violation of the Code, and the Center prohibits Retaliation of any kind. Please report Retaliation via our on-line reporting portal or by calling our reporting line during regular business hours.



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 you, the Respondent, can take accountability for your action(s). If there is an Informal Resolution, a Respondent must accept responsibility for a policy violation and agree to the 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 you, your NGB/USOPC, and the Claimant(s) 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 administrative 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 Third-Party Reports.

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.

You may be notified of the closure or the hold, as well as the reason, if a case is administratively closed or held. When the Center administratively closes or holds a case, any previously implemented restrictions that were imposed by the Center would be lifted. However, NGB and/or their regional/state/local affiliated organizations always have the right to make their own safety plans and membership and employment decisions.



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 Claimant(s). The Investigation Report is a confidential document prohibited from being downloaded or shared with anyone.

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 Claimant(s), the appropriate NGB, and the USOPC. The Notice of Decision is a confidential document prohibited from being downloaded or shared with anyone.



ARBITRATION

After the Center completes a Formal Resolution and issues a Notice of Decision in which a violation is found, you have the right to 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 Respondent, you and your Advisor have the right to attend the entire arbitration and the choice to testify during the hearing. The Center also has the right to introduce relevant parties, including witnesses and Claimants. Note: 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 again.



NGB ACTION(S)

The NGB is prohibited from investigating any matter over which the Center has exercised jurisdiction, but regardless of the Center's investigation's outcome, they are able to implement safety plans and make employment, rostering, and/or membership decisions. If the NGB takes action, any appeal requests, questions, and/or concerns should be directed toward them. If you don't know who to communicate with at the NGB, please contact the Process Navigators with the contact information above, and they will connect you with the correct NGB staff member.