



**USA WATER POLO, INC.
RULES GOVERNING CONDUCT
(Effective November 11, 2020)**

I. General Statement

Participation in USA Water Polo is a privilege, not a right. These Rules prescribe the conduct required of USA Water Polo's: (a) athlete members, (b) coach members, (c) referee members, (d) club administrators, (e) participating members (e.g. team physicians, event organizers, volunteers, etc.) and (f) directors, officers and employees (collectively, the "**Participants**"). Adherence to these Rules by the representatives of our organization and sport is crucial to USA Water Polo's fulfilment of its goals and mission. Violation of these Rules may result in a temporary or permanent suspension of a member's USA Water Polo membership.

II. Coverage

These Rules apply to all conduct by Participants, without regard to whether that conduct occurs at, or in conjunction with, a USA Water Polo sanctioned event. These Rules also apply to behavior conducted online or distributed electronically using e-mail, text messages, or any other electronic medium including, without limitation blogs, web postings, chats and social networking sites.

These Rules are in addition to, and not in lieu of, any other restrictions on the conduct of Participants including, without limitation, the Ted Stevens Olympic and Amateur Sports Act, USA Water Polo's employment practices (as to USA Water Polo employees only), the U.S. Center for SafeSport's Code for the U.S. Olympic and Paralympic Movement (the "**Code**") and any applicable federal, state or local law or ordinance. The remedies provided for in these Rules are in addition to, and not in lieu of, any remedy that may be available to an individual aggrieved by a violation of these Rules, whether civil, criminal or administrative.

III. SafeSport Rules and Policies

All Participants are required to comply with the Code, as it may be amended from time to time. Violation of the Code constitutes a violation of these Rules that may be sanctioned by USA Water Polo in the event that the Center declines to exercise jurisdiction over any alleged Code violation. Capitalized terms used in these rules and not otherwise defined in these rules have the meanings ascribed to those terms in the Code. A copy of the current version of the Code is attached hereto as Appendix 1 and is incorporated herein by this reference as though set forth in full.

In the event that the Center determines that a Participant has engaged in Prohibited Conduct, USA Water Polo will enforce any sanction that the Center may impose.

IV. Minor Abuse Prevention Policies

All Participants are required to comply with USA Water Polo's Minor Abuse Prevention Policies. Violation of those policies constitutes a violation of these Rules that may be sanctioned by USA Water Polo. A copy of USA Water Polo's Minor Abuse Prevention Policies is attached hereto as Appendix 2.

V. USA Water Polo Rules

A. Athlete Safety.

1. General Statement: The safety and health of USA Water Polo athlete members is of paramount concern. USA Water Polo coach and referee members are equally responsible for ensuring the safety and health of USA Water Polo athlete members by enforcing the rules of the game, observing these Rules and by ensuring that an injured athlete is not returned to play until the injury has been appropriately assessed. Coaches and referees shall actively promote the good health and well-being of athletes, deferring to the judgment of medical advisors and, in the case of athletes who are minors, the parents of such athletes, regarding an athlete's ability to participate in any athletic activity.

2. Head Injuries.

- a. Head Injuries During a Game. If a USA Water Polo member observes, or is told, that an athlete (whether or not the athlete is affiliated with the team with which the member is affiliated) has suffered a substantial blow to the head, an impact that causes a substantial and sudden movement of the head or a head injury during a game, the member is required to report that fact to the game referee so that the game may be suspended in accordance with USA Water Polo Rule 25.3(b) and the athlete assessed. If the affected athlete: (1) displays any of the following symptoms: (a) appears dazed or stunned, (b) is confused about assignment or position, (c) forgets sports plays, (d) is unsure of game, score or opponent, (e) moves clumsily, (f) answers questions slowly, (g) loses consciousness (even briefly), (h) shows behavior or personality changes, (i) cannot recall events prior to the blow or (j) cannot recall events after the blow, (2) reports any of the following symptoms: (a) headache or pressure in the head, (b) nausea or vomiting, (c) balance problems or dizziness, (d) double or blurry vision, (e) sensitivity to light, (f) sensitivity to noise, (g) feeling sluggish, hazy, foggy or groggy, (h) concentration or memory problems, (i) confusion or (j) just does not feel right, or (3) has sustained a head injury, then the affected athlete must be removed from further athletic activity for the remainder of the day and until the affected athlete's coach receives a completed and signed Certificate in the form attached to these Rules as Appendix 3.
- b. Head Injuries Other Than During a Game: If a member observes, or is told, that an athlete (whether or not the athlete is affiliated

with the team with which the member is affiliated) has suffered a substantial blow to the head, an impact that causes a substantial and sudden movement of the head or a head injury other than during a game, the person responsible for the activity is required to stop any athletic activity in which the athlete may have been engaged to assess the affected athlete. If the affected athlete: (1) displays any of the following symptoms: (a) appears dazed or stunned, (b) is confused about assignment or position, (c) forgets sports plays, (d) is unsure of game, score or opponent, (e) moves clumsily, (f) answers questions slowly, (g) loses consciousness (even briefly), (h) shows behavior or personality changes, (i) cannot recall events prior to the blow or (j) cannot recall events after the blow, (2) reports any of the following symptoms: (a) headache or pressure in the head, (b) nausea or vomiting, (c) balance problems or dizziness, (d) double or blurry vision, (e) sensitivity to light, (f) sensitivity to noise, (g) feeling sluggish, hazy, foggy or groggy, (h) concentration or memory problems, (i) confusion or (j) just does not feel right, or (3) has sustained a head injury, then the affected athlete must be removed from further athletic activity for the remainder of the day and until the affected athlete's coach receives a completed and signed Certificate in the form attached to these Rules as Appendix 3.

- c. Reporting Head Injuries: Within twelve hours of the time that a member observes, or is told, that an athlete 17 years of age or younger (whether or not the athlete is affiliated with the team with which the member is affiliated) has been removed from athletic activity due to a substantial blow to the head, an impact that causes a substantial and sudden movement of the head or a head injury, the member is required to send, or to confirm that another member has sent, an e-mail to USA Water Polo at: report@usawaterpolo.org containing the following information: (a) the time and date at which the athlete was removed from athletic activity, (b) the symptoms observed and (c) any treatment provided to the athlete.

3. Fainting/Suspected Cardiac Conditions

- a. Removal from Competition: An athlete who has passed out or fainted must be immediately removed from athletic activity for the remainder of the day and shall not be permitted to return to any athletic activity until the athlete is evaluated by a licensed health care provider, receives written clearance to return to athletic activity from the licensed health care provider and the affected athlete's coach receives a completed and signed Certificate in the form attached to these Rules as Appendix 4.
- b. Reporting Fainting or Suspected Cardiac Condition: Within twelve hours of the time that a member observes, or is told, that an athlete 17 years of age or younger (whether or not the athlete is affiliated with the team with which the member is affiliated) has been removed from athletic activity due to the athlete having

fainted or having a suspected cardiac condition, the member is required to send, or to confirm that another member has sent, an e-mail to USA Water Polo at: report@usawaterpolo.org containing the following information: (a) the time and date at which the athlete was removed from athletic activity, (b) the symptoms observed and (c) any treatment provided to the athlete.

B. **Discrimination, Harassment, or Abusive Conduct: Zero Tolerance Policy.** USA Water Polo has a Zero Tolerance Policy for any discrimination, harassment, or abusive conduct on the basis of race, color, sex, religion, age, disability (except where such disability affects an athlete's ability to perform), national origin, ancestry, assigned gender, gender identity, gender expression, or sexual orientation (collectively, "**Protected Characteristics**"). Prohibited conduct includes, but is not limited to:

1. Use of derogatory verbal or written language, social media comments, remarks, insults, epithets, nicknames, writings, labels, jokes, taunts, cartoons, pictures, or drawings based upon, or making reference to, a Protected Characteristic. For the avoidance of doubt, the determination of whether any of the foregoing is deemed to be derogatory is based upon the perspective of a reasonable person who is a member of, or identifies with, the class of persons having the Protected Characteristic in question.
2. Any adverse action taken against an individual based upon, or making reference to, a Protected Characteristic.
3. Physical conduct with respect to an individual resulting from that individual's Protected Characteristic.

The foregoing conduct is prohibited regardless of the level of severity of the conduct or whether the conduct is intended to harm the individual having the Protected Characteristic or a person who is a member of, or identifies with, the class of persons having the Protected Characteristic in question. For the avoidance of doubt, a person having a Protected Characteristic may find the use of a nickname referring to that characteristic humorous or non-offensive, but others having that Protected Characteristic or identifying with the class of persons having that Protected Characteristic may find the use of the nickname offensive. As a result, these Rules prohibit the use of such nicknames in all circumstances.

C. **Retaliation.** Participants are prohibited from retaliating against individuals who: (a) report alleged Rule violations, (b) provide support to individuals who are the subject of alleged Rule violations, (c) participate or assist in disciplinary proceedings regarding alleged Rule violations or (d) serve on USA Water Polo hearing panels regarding alleged Rule violations.

D. **Drugs and Alcohol.** USA Water Polo members shall not: (a) encourage an athlete to commit a doping violation as defined by the International Olympic Committee, the World Anti-Doping Agency, the United States Anti-Doping Agency, the United States Olympic & Paralympic Committee or the Federation Internationale de Natation (FINA), (b) violate USA Water Polo's anti-doping policy, which may be found at: <https://usawaterpolo.org/sports/2018/12/19/rules->

[ethics.aspx](#)) or (c) use or provide alcohol or drugs in violation of local, state, or national laws.

E. **Coaches' Duty to Control Athletes.** USA Water Polo coach members are required to control the athletes under their supervision and to impose appropriate penalties in cases in which those athletes engage in conduct in violation of these Rules, including the Code. The failure of coach members to control athletes under their supervision or to impose appropriate penalties in cases in which those athletes engage in conduct in violation of these Rules, including the Code, is a violation of these Rules.

F. **Recruiting.** USA Water Polo recognizes that its coach and athlete members have the right to transfer from one club to another club, or to form new clubs, as well as the right to recruit coaches and athletes to their club. USA Water Polo requires, however, that any coach or athlete recruiting that takes place be done in an ethical manner. Unethical recruiting tactics include: (a) making unduly derogatory comments about the athletes or coaches affiliated with another club and (b) using a coach's position of authority over another coach or an athlete to attempt to recruit another coach or an athlete. Examples of the latter type of prohibited conduct include a high school or Olympic Development Program coach: (i) threatening an athlete with discriminatory treatment, or discriminating against an athlete, as a penalty for the athlete not affiliating with the coach's club or (ii) promising an athlete preferred treatment, or providing an athlete with preferred treatment, in exchange for the athlete affiliating with the coach's club. Engaging in unethical recruiting is a violation of these Rules.

G. **Registration.**

1. **Multiple Registrations.** Members may not register with USA Water Polo within a particular membership class, such as referee, coach or athlete, under more than one name or more than one time. This Rule does not preclude a member from registering as a USA Water Polo member in more than one membership class, provided that all such registrations are under the same name.
2. Coach and athlete members may not participate in USA Water Polo sanctioned events unless they are properly named on the team roster for that event and are eligible for that event, such as by having the required USA Water Polo membership class, and meeting the age and gender qualifications for the event.

H. **Incident Reports.**

1. **Submission of Incident Reports.** USA Water Polo referee members are required to submit Incident Reports to USA Water Polo's National Referee Manager with respect to each of the following:
 - a. any misconduct foul committed by an athlete
 - b. any brutality foul committed by an athlete
 - c. any red card issued to any coach or athlete

- d. any violation of these Rules
- e. any other inappropriate circumstance that materially affected any game officiated by a referee including, without limitation, any material injury to an athlete (whether or not a foul of any type was called with respect to that injury), any materially inappropriate behavior by one or more spectators, and any unprofessional behavior by a fellow referee or any game participant.

2. Review of Incident Reports. Incident reports are reviewed by USA Water Polo's National Referee Manager, or his/her designee. Members are required to cooperate with such review including, without limitation, providing information to the reviewer upon request. Failure to cooperate with such review will subject the member to discipline including, without limitation, suspension of the offending member's USA Water Polo membership.
3. Membership Suspension Due to Multiple Incidents:
 - a. Point System. In the event that an Incident Report is filed with respect to the behavior of a USA Water Polo member, following the foregoing review, the member may, within five (5) days after receiving notice of the assessment of the point, request a secondary review by USA Water Polo's National Referee Manager, or his/her designee. If, after such secondary review, the member is assessed a point, the member may appeal from the awarding of the point by filing a grievance with USA Water Polo within five (5) days following the member receiving notice as to the result of the secondary review. In the event that a member fails to file a grievance within the foregoing five (5) day period, the assessment of a point shall be final and no longer subject to review or appeal. Any grievance filed pursuant to this Rule will be administered in accordance with USA Water Polo's grievance procedures then in effect.
 - b. Suspensions. Any USA Water Polo member who receives:
 - (i) Two (2) points in any ninety (90) day period shall automatically be suspended as a USA Water Polo member for a period ending upon the later of: (a) two (2) weeks following the commencement of the suspension and (b) the date upon which the member completes a course of study with the Positive Coaching Alliance;
 - (ii) Three (3) points in any six (6) month period shall automatically be suspended as a USA Water Polo member for a period of ninety (90) days following the commencement of the suspension;
 - (iii) Four (4) points in any twelve (12) month period shall automatically be suspended as a USA Water Polo member

for a period of ninety (90) days following commencement of the suspension;

- (iv) Five (5) points in any twenty-four (24) month period shall automatically be suspended as a USA Water Polo member for a period of ninety (90) days following the commencement of the suspension.
- (v) The foregoing penalties are cumulative, meaning that suspensions served as a result of the accumulation of points are additive to one another. For example, the ninety (90) day suspension served on account of a member's receipt of three points within any six month period shall not be credited against the additional ninety (90) day suspension that a member would be required to serve upon the member's receipt of a fourth point within a one year period, even if the six month and one year periods overlapped. The foregoing penalties are in addition to any penalties that may be imposed as a result of the filing of a grievance against such member.
- (vi) For purposes of determining the date upon which a point is assessed under this Rule, a point is deemed to have been assessed as of the date upon which the incident giving rise to the point occurs.
- (vii) Suspensions pursuant to this Rule shall commence upon:
 - (a) the member notifying USA Water Polo that the member does not wish to seek review of the assessment of a point,
 - (b) if the member does not notify USA Water Polo that the member does not wish to seek review of the assessment of a point and fails to file a grievance seeking review of the assessment of a point, the first day following the expiration of the member's right to seek review of the assessment of a point, i.e., five (5) days after the member receives notice that a point has been assessed or
 - (c) if the member seeks review of the assessment of a point utilizing USA Water Polo's grievance procedures, the first day following the date upon which there has been a final determination that the assessment of a point was proper.

I. Background Screening.

1. Background Screening Search Components

- a. Full Background Check. All full background check screens must include at least the following search components:
 - (i) Social Security Number validation;¹
 - (ii) Name and address history records;

¹ Or suitable alternative identification verification process as determined by the background check vendor.

- (iii) Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
- (iv) Federal District Court search for each name used and district where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable;
- (v) County Criminal Records for each name used and county where the individual currently lives or has lived during the past seven years, going back the length of time records are available and reportable for each county searched;
- (vi) National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
- (vii) Multiple National Watch Lists;
- (viii) SafeSport Disciplinary Records;²
- (ix) Comprehensive International Records search for individuals who have lived outside of the United States for six consecutive months in any one country, during the past seven years;³
- (x) Motor Vehicle Records of at least a 3-year history in the state of licensure; (if driving is required for position);
- (xi) Education Verification and final degree received (one time only, on initial screening if required for position; USOPC only);
- (xii) Credit History Check (for USOPC Executive Team members and USOPC employees who work in Finance or Audit; USOPC only); and
- (xiii) Professional License/Certification Verification for certain medical roles.⁴

b. Supplemental Background Checks. All supplemental off-year background check screens must include at least the following search components.

- (i) Multi-Jurisdictional criminal database covering 50 states plus DC, Guam, and Puerto Rico

² Until the process is automated, this shall be accomplished by conducting individualized searches of the SafeSport Disciplinary Records on the SafeSport website for individuals covered under the Background Check Policy.

³ International record checks vary from country to country. The background check vendor will provide comparable search components depending on the laws of that specific country.

⁴ License and/or certification verifications will be required for individuals in the following medical roles: Medical Doctor (MD), Doctor of Osteopathic Medicine (DO), Chiropractor (DC), Physician Assistant (PA), Acupuncturist, Massage Therapist, Physical Therapist, and Certified Athletic Trainer.

- (ii) Sex Offender Registry database searches of all available states, plus DC, Guam, and Puerto Rico; and
 - (iii) SafeSport Disciplinary Records.
- 2. Requirement. All individuals that USA Water Polo authorizes, approves or appoints to a position of authority over, or to have frequent contact with, athletes are required to: (a) obtain and pass a Full Background Check from a background checking organization designated by USA Water Polo at least every two years, (b) obtain and pass a Supplemental Background Check from a background checking organization designated by USA Water Polo each year between the year in which a Full Background Check is performed and (c) remain in compliance with USA Water Polo's background screening criteria at all times. Those individuals include:
 - a. All USA Water Polo coach members,
 - b. All USA Water Polo referee members,
 - c. All USA Water Polo employees,
 - d. All members of USA Water Polo's Board of Directors.
- USA Water Polo's background screening criteria are set forth in Appendix 5.
- 3. In addition to the background screening requirement set forth in Section V.I.1 above, all USA Water Polo members are required to remain in compliance with any background screening requirement that may be imposed by the Center and the USOPC, or either of them.
- 4. Failure to Pass a Background Check.
 - a. USA Water Polo Employees Other Than Those Having Frequent Contact with Minor Athletes. In the event that a USA Water Polo employee, other than an employee having frequent contact with minor athletes, fails to pass a background check, or fails to remain in compliance with USA Water Polo's background screening criteria, that failure will be addressed pursuant to USA Water Polo's employment policies.
 - b. Persons Required to Pass a Background Check, Other than USA Water Polo Employees not Having Frequent Contact with Minor Athletes.
 - (i) Background Waiver Requests. Failure to obtain and pass the background check will preclude the failing individual (other than USA Water Polo employees not having frequent contact with minor athletes) from registering as a member with USA Water Polo. Should an individual fail to pass his or her background check, that individual may request an exemption from the requirement that the

individual pass the background check from USA Water Polo by following the appeal process as set forth in the materials that the individual receives from the background screening provider.

- (ii) Special Hearing Panel. USA Water Polo's Chief Executive Officer shall appoint a special hearing panel to hear all background check exemption requests. At least 20% of the members of that panel must be Ten Year Athletes as defined in Section 11.2 of USA Water Polo's Bylaws and the appointment of the Ten Year Athlete member(s) of the special hearing panel must be approved by a majority of the Athlete members of USA Water Polo's Board of Directors.
- (iii) Referral to Special Hearing Panel. Following a request for a background check exemption, the background check provider shall forward the background screening report and the exemption request to the special hearing panel.
- (iv) Initial Referral to the Center. The special hearing panel shall refer all requests for exemption involving matters within the Center's exclusive jurisdiction, as then defined by the Center, to the Center for decision.
- (v) Hearing Panel Jurisdiction. The special hearing panel shall decide all requests for exemption not within the Center's exclusive jurisdiction on a provisional basis. In the event that the hearing panel determines to grant an exemption, the individual requesting the exemption shall be permitted to register as a USA Water Polo member pending review of the hearing panel's decision by the Center. Immediately following the hearing panel's rendering of its provisional decision, USA Water Polo shall refer the exemption request to the Center so as to enable the Center to determine whether it wishes to exercise jurisdiction over the exemption request. In the event that the Center declines to exercise jurisdiction, the hearing panel's decision shall become final. In the event that the Center determines to exercise jurisdiction, any action taken by the Center shall supersede the hearing panel's decision.

c. Confidentiality. All information provided to the members of the hearing panel hearing the request for exemption will be held in confidence, except that information will be provided to the Center as set forth above. Any decision of the hearing panel or the Center, and the facts upon which that decision is based, regarding a request for exemption may be disclosed by USA Water Polo and/or the Center as necessary, in the reasonable judgment of USA Water Polo and/or the Center, to enforce that decision.

- d. Fees. There is no charge for seeking an exemption from the requirement that a prospective coach or referee pass a background check.
- 5. Failure to Remain in Compliance with USA Water Polo's Background Screening Criteria.
 - a. Reporting. In the event that an event occurs that would cause an individual who is required to pass, and has passed, a background check to fail a background check, the individual is required to report the occurrence of that event via e-mail to USA Water Polo's Membership Director within forty-eight hours of the occurrence of the event. Failure to timely file the report provided for in this provision shall constitute a violation of these Rules that will subject the offending individual to sanctions, including suspension of the member's membership in USA Water Polo or, if the individual is an USA Water Polo employee, loss of employment.
 - b. Requests for Exemption. The report required by this Rule may include a request that USA Water Polo exempt the individual from the requirement that the individual remain in compliance with USA Water Polo's background screening criteria. There is no charge for requesting an exemption. In the event that an exemption is not requested, the individual's membership (other than that of a USA Water Polo employee who does not have frequent contact with minor athletes) shall be immediately suspended. If an exemption is requested, the individual's membership shall remain in effect: (a) unless it is provisionally suspended by the USA Water Polo's Chief Executive Officer as provided below or by the Center in accordance with such rules as the Center may adopt and (b) until the Center or the USA Water Polo special hearing panel, as applicable, issues a final decision on the exemption request. Requests for exemptions under this provisions shall be administered as provided in Section III.H.2, above.
- 6. Appeal: In the event that the special hearing panel concludes that an individual who failed to pass a background check, or failed to remain in compliance with USA Water Polo's background screening criteria, (other than an USA Water Polo employee who does not have frequent contact with minor athletes) should not be eligible for membership in USA Water Polo, the individual may appeal from the special hearing panel's ruling as provided in Article 14.14 of USA Water Polo's Bylaws. Any appeal from a decision by the Center shall be conducted in accordance with such rules as the Center may adopt from time to time.

J. Safety Training.

- 1. First Aid and CPR Certification. Coach members of USA Water Polo are required to have on file with USA Water Polo's Membership Services Department current certifications in both cardio pulmonary resuscitation

and first aid, from organizations acceptable to USA Water Polo. Organizations acceptable to USA Water Polo include, but are not limited to, the American Red Cross and the American Heart Association. Coach members should contact USA Water Polo's Membership Services Department if they have any questions regarding whether or not an organization providing cardio pulmonary resuscitation and/or first aid training is acceptable to USA Water Polo. Failure to have an acceptable certification in both cardio pulmonary resuscitation and first aid on file will result in the immediate suspension of the coach member's USA Water Polo membership without the necessity of any party filing a grievance. Should a coach member believe that his or her coach membership was wrongfully suspended under the provisions of this rule, that coach member may file a grievance in accordance with the procedures described below for reporting rules violations.

2. Concussion and Head Injury Training. Coach, referee and club administrator members of USA Water Polo are required to successfully complete a course in concussion and head injury education at least once, either online or in person, before becoming a coach, referee or club administrator member of USA Water Polo.
3. SafeSport Training. USA Water Polo members are required to comply with the training requirements set forth in USA Water Polo's Minor Abuse Prevention Policies, Appendix 2 to these rules.

K. Rules Applicable to USA Water Polo Referee Members.

1. USA Water Polo referees are required to:
 - a. Study and know the rules of the game and the official interpretations of those rules.
 - b. Uniformly enforce the rules of the game. Decisions based upon personal bias are dishonest and unacceptable.
 - c. Avoid even the appearance of a conflict of interest. Gifts, favors, special treatment, privileges, employment or a personal relationship with a team, coach or athlete create the appearance of bias and, as a result, must be avoided.
 - d. Refrain from: (a) publicly criticizing other officials, coaches or athletes, (b) inciting coaches or athletes to violate the Codes of Conduct applicable to coaches or athletes and (c) using obscene or unduly provocative language or gestures.
 - e. Refrain from commenting to the media regarding any game that they officiate or the officiating at any game that they do not officiate.
 - f. Conduct themselves with dignity, both during USA Water Polo events and at all other times.

- g. Endeavor to inspire the true principles of fair play and sportsmanship by their conduct and earn the respect of the coaches and athletes that they serve.
- h. Perform their designated responsibilities, including timely attending all games to which they are assigned, conducting roster checks prior to each game to which they are assigned to ensure that all athletes and coaches participating in the game are current USA Water Polo members, and completing all training activities that they have undertaken.
- i. Be free of the influence of alcohol and drugs while officiating games.
- j. Refrain from engaging in any action for the purpose of unfairly limiting or restraining access to officiating assignments or participation at USA Water Polo events, whether due to economic factors, race, creed, color, age, gender, sexual orientation, or any other factor.
- k. Other than with respect to relationships with spouses or life partners, refrain from engaging in any financial or sexual relationship with: (a) coaches or athletes participating in games that the referee is officiating; and (b) with minors. As used in these Rules, sexual relationships include: (a) sexual touching and (b) non-contact sexual acts such as verbal acts (e.g. a referee discussing his or her sex life with an athlete or a coach, or asking an athlete or a coach about his or her sex life), sexually suggestive electronic or written communications, exposure or voyeurism.
- l. Report to USA Water Polo any conduct of a USA Water Polo coach or athlete member that the referee observes and believes to be a violation of the Rules when the referee believes that such conduct merits a penalty in addition to whatever penalty the individual committing such conduct received at the time that the conduct occurred.
- m. Participate without compensation in a grievance hearing scheduled pursuant to Section 14 of USA Water Polo's Bylaws, when requested to do so by the person appointed by USA Water Polo to administer that hearing.

2. Incident Reports.

- a. **Mandatory Filing.** USA Water Polo Referees are required to file an Incident Report with USA Water Polo's National Referee Manager (in such form as may be prescribed, from time to time, by USA Water Polo) with respect to each of the following, whenever they occur in any USA Water Polo sanctioned event:
 - (i) any misconduct foul committed by an athlete
 - (ii) any brutality foul committed by an athlete

- (iii) any red card issued to any coach or athlete
- (iv) any stoppage of play pursuant to USA Water Polo Rule 23.5(b)
- (v) any other inappropriate circumstance that materially affected any game officiated by a referee including, without limitation, any material injury to an athlete (whether or not a foul of any type was called with respect to that injury), any materially inappropriate behavior by one or more spectators, and any unprofessional behavior by a fellow referee or any game participant.

b. Sanctions. Failure to file a required incident report, or to cooperate with the review of such report, will subject the offending referee member to sanctions, in the discretion of USA Water Polo's National Referee Manager, including, without limitation, suspension of the offending referee's USA Water Polo membership, and may affect such referee's evaluation and ranking

VI. Reporting

- A. The Importance of Reporting. USA Water Polo is a national organization with limited resources. As a result, except in the limited circumstance of an event conducted by USA Water Polo, USA Water Polo lacks the resources to police its members to ensure that they comply with these Rules, including the Code and USA Water Polo's Minor Abuse Prevention Policies. Consequently, USA Water Polo relies upon its members to report any suspected Rule violations so that USA Water Polo can then enforce these Rules and/or report such suspected Rule violation, where appropriate to the Center and law enforcement.
- B. Mandatory Reporting.
 - 1. Sexual Misconduct. Adult Participants must report to the Center and law enforcement any conduct of which they become aware that could constitute (a) Sexual Misconduct, (b) misconduct that is reasonably related to an underlying allegation of Sexual Misconduct or (c) retaliation related to an allegation of Sexual Misconduct. Participants should not attempt to investigate or evaluate the credibility of any allegation involving the foregoing types of misconduct before submitting a report as doing so may interfere with the Center's investigation and could delay the Center's response to the alleged conduct.
 - 2. Child Abuse. Adult Participants who learn of facts leading that Participant to suspect reasonably that a minor amateur athlete has suffered an incident of child abuse must immediately provide a written report of those facts to law enforcement (consistent with section 226 of the Victims of Child Abuse Act of 1990, 34 U.S.C. § 20341, and any state or local statute or regulation) and to the Center.

3. The failure to file a mandatory report to either the Center or law enforcement constitutes a violation of these rules that may subject the violator to sanctions.
- C. Voluntary Reporting. In addition to the Mandatory Reporting requirement set forth above, anyone who becomes aware of a possible violation of these Rules may Report such violation in the manner set forth below.
- D. Reporting.
 1. Violations of the Code Involving Sexual Misconduct or Child Abuse. Violations of the SafeSport Code involving sexual misconduct and child abuse, or either of them, must be reported directly to the Center (see Section VI.D.5 below) and law enforcement. In the event that USA Water Polo receives any such reports, as soon as practicable following its receipt of such reports, USA Water Polo will forward such reports to law enforcement and the Center.
 2. Violations of the Code Other Than Violations Involving Sexual Misconduct or Child Abuse. Violations of the Code other than violations involving sexual misconduct and child abuse, or either of them, may be reported to either USA Water Polo or the Center (see Sections VI.B.5 and V.B.6 below). Violations of the Code other than violations involving sexual misconduct or child abuse, reported to USA Water Polo will be forwarded to the Center to allow the Center to determine if the Center wishes to exercise jurisdiction over the reported violation. In the event that the Center declines to exercise jurisdiction over the reported violation, USA Water Polo will so notify the reporting party, who may then elect to proceed to employ USA Water Polo's grievance procedures with respect to the reported violation.
 3. Violations of these Rules other than the Code. Reports of violations of these Rules, other than violations of the Code, should be made to USA Water Polo (see Section VI.B.6 below), which will then administer the reported violation in accordance with USA Water Polo's grievance procedures.
 4. Continuing Obligation. The obligation to Report is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information about which an Adult Participant becomes aware. If an Adult Participant learns additional information, including information regarding the nature of an incident, the identity of witnesses, statements regarding the incident (including statements by the Reporting Party, Responding Party or a Third-party Reporter), or the existence of evidentiary material (including any documents, electronic communications, emails, text messages, medical reports, photographs, audio or video recordings, or social medial activity), it must be reported promptly.
 5. Reporting to the Center. Reports to the Center should be made as directed by the Center. See www.safesport.org.

6. Reporting to USA Water Polo. Reports to USA Water Polo should be made to report@usawaterpolo.org.
- E. Other Reporting Obligations. Reports to USA Water Polo and/or the Center do not satisfy any requirement that may exist under local or federal law to report misconduct, such as child abuse or neglect, to the civil authorities.
- F. Anonymous Reporting.
 1. Reports of Violations of the Code. Reports alleging a violation of the Code may be made anonymously. That means, however, that the reporting party's name will not be known to the Center or USA Water Polo. If a Report is made anonymously, it may interfere with the Center's ability to investigate and respond to the Report. In addition, if an Adult Participant is obligated to Report a violation and the Report is submitted anonymously, it may not be possible for the Center or USA Water Polo to verify that the Adult Participant has fulfilled his/her reporting obligation. As a result, the Center discourages the submission of anonymous reports.
 2. Confidentiality. The fact that a Report is made anonymously does not insure that the Report will be maintained as confidential. Indeed, in order to act upon a Report, both USA Water Polo and the Center will be required to disclose the content of the Report to third parties, including law enforcement.
 3. USA Water Polo Grievances. USA Water Polo does not investigate grievances filed with USA Water Polo. Rather, USA Water Polo employs an adversarial process, similar in many respects to a court trial, in order to resolve grievances administered by USA Water Polo, i.e., grievances alleging violations of these Rules other than the Code and grievances alleging a violation of the Code as to which the Center has declined to exercise jurisdiction and as to which the reporting party has elected to employ USA Water Polo's grievance procedures. As a result, all grievances to be administered by USA Water Polo must: (a) identify the person filing the grievance, (b) identify the Covered Individual against whom the grievance is being filed, (c) provide the details of the complained of conduct and (d) request the imposition of a specific sanction, such as the suspension of the responding party's membership in USA Water Polo for a period of time or permanently.
- G. Referral to Civil Authorities. Where required to do so by applicable local or federal law, each of the Center and USA Water Polo will forward Reports to the applicable local or federal law enforcement agency.

VII. Misconduct Related to Reports.

- A. It is a violation of these Rules for an individual to fail to cooperate, or to interfere, with proceedings to enforce these Rules by USA Water Polo or the Center including by: (a) withholding information, (b) falsifying, distorting or misrepresenting information, (c) destroying or concealing information (d) attempting to discourage an individual from filing a Report or pursuing a grievance, (e) harassing or intimidating (verbally or physically) any person

involved in a proceeding to enforce these Rules, whether before, during or following the conclusion of such proceedings, (f) publically disclosing a Reporting Party's identifying information, (g) failing to comply with any sanction that may be imposed by USA Water Polo or the Center or (h) influencing or attempting to influence another person to engage in any of the foregoing conduct.

VIII. Sanctions

A. Standard of Proof

1. Reports to the Center. The standard of proof used by the Center with respect to matters referred to the Center under these Rules shall be the standard of proof utilized by the Center at the time of the alleged acts set forth in a Report.
2. Reports to USA Water Polo. USA Water Polo uses the preponderance of the evidence standard to determine whether a Participant violated these Rules. That means that a USA Water Polo hearing panel will decide a grievance based upon its belief that a fact is more likely to be true than not. This is a lesser standard of proof than that used in the criminal justice system. By becoming a member in USA Water Polo, all Participants agree to the use of this standard of proof and waive any right that they may have to the use of a more stringent standard of proof in any grievance filed against that Participant.

B. Possible Sanctions.

1. Possible Sanctions as to Persons Other than USA Water Polo Employees: One or more of the following sanctions may be imposed for a violation of these Rules by persons other than USA Water Polo employees:
 - a. Issuance of a written warning
 - b. A requirement that a violator complete an educational program as a condition of continued membership in USA Water Polo
 - c. A permanent or temporary loss of certain privileges accorded to USA Water Polo members
 - d. Probation
 - e. A temporary or permanent suspension of a violator's eligibility to become a USA Water Polo member.
2. Possible Sanctions as to USA Water Polo Employees. In addition to the sanctions provided in Section VII.B.1, USA Water Polo employees who violate these rules may be subject to adverse action with respect to their employment by USA Water Polo.

C. Factors relevant to determining an appropriate sanction for a violation of these Rules include:

1. The nature and seriousness of the violation
2. The violator's prior history of Rule violations, whether under these Rules or any other Rules adopted by USA Water Polo prior to the adoption of these Rules
3. The ages of the individuals involved in the Rule violation
4. Whether the violator is deemed to pose an ongoing threat to the safety of others
5. Whether the violator voluntarily disclosed the violation and/or cooperated in the procedures related to the Rule violation
6. Disposition of any investigation conducted by law enforcement agencies

IX. Submission to Jurisdiction

As a condition of membership in USA Water Polo and a Participant's participation in any event sanctioned by USA Water Polo or otherwise under the auspices of USA Water Polo, each Participant is deemed to have submitted, without any reservation or condition, to: (a) the Center's jurisdiction for the resolution of any alleged violations of the Center's rules, policies and procedures, as they may be amended from time to time (b) to the USA Hearing Panel's jurisdiction for any violation of these Rules not adjudicated by the Center.

APPENDIX 1

SAFESPORT CODE
FOR THE
U.S. OLYMPIC AND PARALYMPIC MOVEMENTS



SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

EFFECTIVE APRIL 1, 2021

SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

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SAFESPORT CODE FOR THE U.S. OLYMPIC AND PARALYMPIC MOVEMENT

Effective April 1, 2021

I. AUTHORITY

The U.S. Center for SafeSport (Center) is recognized by the United States Congress, the United States Olympic & Paralympic Committee (USOPC), and the National Governing Bodies (NGBs) as the official safe sport organization for all Olympic, Paralympic, Pan American and Para Pan American sports in the United States.

II. ADMINISTRATION AND COMPLIANCE

The Code is administered by the Center. The USOPC, NGBs, and Local Affiliated Organizations (LAOs) must comply, in all respects, with these policies and procedures and shall be deemed to have incorporated the provisions into their relevant policies as if they had set them out in full therein.

Participants are responsible for knowing the information outlined herein and, by virtue of being a Participant, have expressly agreed to the jurisdiction of the Center and this Code's policies and procedures, including those governing arbitration. The Center reserves the right to make changes to the Code as necessary. Once posted online, notice has been provided and changes are effective immediately unless otherwise noted.

III. APPLICATION

The Code applies to Participants, as defined below. To effectuate its mandate to protect those involved in amateur athletics from

sexual or other forms of abuse, the Center assesses a Participant's fitness and eligibility to be involved with amateur athletics. Participation in the private associations making up the Olympic & Paralympic Movement is a privilege, not a right.

IV. JURISDICTION OF THE CENTER

A. Exclusive Jurisdiction

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
2. Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;
3. Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;
4. Aiding and Abetting, when it relates to the Center's process;
5. Misconduct Related to the Center's Process;
6. Other Inappropriate Conduct, as defined herein.

B. Discretionary Jurisdiction

The Center has discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Non-sexual Child Abuse;
2. Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;
3. Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;
4. Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;

If the Center accepts discretionary jurisdiction, it will use the resolution procedures set forth herein.

C. Jurisdictional Reassessment

The Center may reassess its jurisdictional decision at any time.

V. JURISDICTION OF THE USOPC, NGBs, and LAOs

- A.** Before the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, the relevant organization (the USOPC, NGB, or LAO) has the authority to implement necessary and appropriate measures, up to and including a suspension, to address any allegations of misconduct.
- B.** When the relevant organization has reason to believe that the allegations presented fall within the Center's exclusive jurisdiction, the organization—while able to impose measures—may not investigate or resolve those allegations.

- C.** When the allegations presented fall within the Center's discretionary jurisdiction, the organization may investigate and resolve the matter, unless and until such time as the Center expressly exercises jurisdiction over the particular allegations.
- D.** The Center will issue a Notice of Exercise of Jurisdiction to the USOPC, NGB, or LAO when the Center determines it has jurisdiction over an allegation of Prohibited Conduct. When the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, the relevant organization(s) cannot issue—in response to those allegations—a suspension or other restriction that may deny or threaten to deny a Respondent's opportunity to participate in sport. The relevant organization may implement any necessary safety plan(s) or temporary measure(s).

VI. APPLICABLE PROCEDURES

The applicable procedures for reporting, investigating, and resolving alleged misconduct depends on the nature of the misconduct, as set forth in the Code. The procedures set forth herein will be applied to any matter over which the Center accepts jurisdiction. The procedures set forth by the adjudicating body (USOPC, NGB, or LAO) will be applied to any matter over which the Center does not accept jurisdiction.

VII. ENFORCEMENT AUTHORITY

A. Enforcement Responsibility

The USOPC, NGB, and LAO are responsible for enforcing eligibility determinations, sanctions and Temporary Measures imposed by the Center, as set forth below. 36 USC § 220505(d)(1)(C). All eligibility determinations, sanctions, and Temporary Measures imposed by the Center shall be in effect immediately upon issuance.

B. Reciprocal Enforcement

Center issued eligibility determination(s) or sanction(s) shall be reciprocally enforced by and between all NGBs, LAOs, and the USOPC.

C. Reviewing Temporary Measures and Sanctions

NGBs and the USOPC shall immediately review communications from the Center concerning Temporary Measures and sanctions for implementation. If the NGB or the USOPC determines an error or omission in such communication has been made, it shall notify the Center as soon as practicable, but no later than three Days after receipt.

D. Communications to Stakeholders

The Center shall provide a Summary of Decision, which the USOPC, NGBs, or LAOs may provide to parties to assist with enforcement of sanctions. The USOPC, the

NGBs, and LAOs shall establish a method to communicate Temporary Measures and sanctions to their relevant stakeholders.

E. Requirements to Register or Affiliate with a National Governing Body

To ensure enforcement, NGBs shall require any organization that wishes to register as an LAO, a member club, or otherwise affiliate with the organization (e.g., using the rules or procedures of an NGB), to agree to and comply with the Code, the requirements set forth in the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, and to enforce any sanction(s) or Temporary Measure(s) imposed by the Center.

VIII. DEFINITIONS

A. Athlete

An athlete who meets the eligibility standards established by the NGB or Paralympic sports organization for the sport in which the athlete competes.

B. Child Abuse

The term “child abuse” has the meaning set forth in Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) or any applicable state law.

C. Claimant

The person who is alleged to have experienced conduct that constitutes a Code violation.

D. Consent

Consent is (a) informed (knowing), (b) voluntary (freely given), and (c) active (not passive). Consent must be demonstrated by clear words or actions, indicating that a person who is legally and functionally competent has indicated permission to engage in mutually agreed-upon sexual activity.

Consent to any one form of sexual activity does not automatically imply Consent for any other forms of sexual activity. Previous relationships or prior Consent does not imply Consent to future sexual activity. Once given, Consent can be withdrawn through clear words or actions.

Consent cannot be obtained: (a) by force, (b) by taking advantage of the Incapacitation of another, when the person initiating sexual activity knew or reasonably should have known that the other was Incapacitated, (c) from someone who lacks legal capacity, (d) when a Power Imbalance exists.

1. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and (d) coercion.
 - a. Physical violence means that a person is exerting control over another person using physical force. Examples of physical violence include hitting, punching, slapping, kicking, restraining, strangling, and brandishing or using any weapon.
 - b. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual

activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation, or to deny a person's ability to participate in sport.

- c. Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).
- d. Coercion is the use of an unreasonable amount of pressure to gain intimate or sexual access. Coercion is more than an effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear their decision not to participate in a form of Sexual Contact or Sexual Intercourse, their decision to stop, or their decision not to go beyond a certain sexual interaction, continued pressure can be coercive.

Whether conduct is coercive depends on: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

2. Legal Capacity

Minors cannot Consent to conduct of a sexual nature. While the legal age of Consent varies under

state and federal law, the age of capacity under the Code is 18.

A close-in-age exception will be applied to any policy violation between an adult and a Minor, or between two Minors, when there is no Power Imbalance and when the age difference is no more than three years.

When the assessment of whether a Participant's conduct violates the Code depends upon another individual being below a certain specified age, ignorance of their actual age is no defense. Neither shall misrepresentation of age by such person, nor a Participant's bona fide belief that such person is over the specified age, be a defense.

3. Incapacitation

Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity. A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated because of consuming alcohol or other drugs, or due to a temporary or permanent physical or mental health condition.

Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking or using drugs. The impact of alcohol and other drugs varies

from person to person and is evaluated under the specific circumstances of a matter.

A Respondent's being impaired by alcohol or other drugs is not a defense to any violation of the Code.

The Consent construct can also be applied to other forms of non-sexual conduct, such as hazing or other forms of Physical or Emotional Misconduct.

E. Days

Unless expressly provided otherwise, the term "days" shall mean business days, which excludes weekends and national holidays.

F. Event

The term "Event" shall have the meaning set forth in the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341). As of the effective date of these policies and procedures, "event" includes "travel, lodging, practice, competition, and health or medical treatment."

G. Local Affiliated Organization (LAO)

A regional, state or local club or organization that is directly affiliated with an NGB or that is affiliated with an NGB by its direct affiliation with a regional or state affiliate of said NGB. LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of an NGB.

H. Minor or Child

An individual who is, or is believed by the Respondent to be, under the age of 18.

I. National Governing Body (NGB)

An amateur sports organization, a high-performance management organization, or a Paralympic sports organization that is certified by the United States Olympic & Paralympic Committee under 36 USC § 220521. This definition shall also apply to the USOPC, or other sports entity approved by the USOPC, when they have assumed responsibility for the management or governance of a sport included on the program of the Olympic, Paralympic, Pan-American, or Parapan American Games. This would include any organization, member of that organization, or Participant that has subjected itself to the jurisdiction of the Center.

J. Participant

1. Any individual who is seeking to be, currently is,¹ or was at the time of an alleged Code violation:
 - a. A member or license holder of an NGB, LAO, or the USOPC;
 - b. An employee or board member of an NGB, LAO, or the USOPC;

¹ For the purpose of evaluating whether an individual is considered a Participant per this provision, the phrase “currently is” includes the date on which the alleged misconduct was reported to the Center, through resolution, and

- c. Within the governance or disciplinary jurisdiction of an NGB, LAO, or the USOPC;
- d. Authorized, approved, or appointed by an NGB, LAO, or the USOPC to have regular contact with or authority over Minor Athletes.

K. Power Imbalance

A Power Imbalance may exist where, based on the totality of the circumstances, one person has supervisory, evaluative, or other authority over another. Whether there is a Power Imbalance depends on several factors, including but not limited to: the nature and extent of the supervisory, evaluative or other authority over the person; the actual relationship between the parties; the parties’ respective roles; the nature and duration of the relationship; the age of the parties involved; whether there is an aggressor; whether there is a significant disparity in age, size, strength, or mental capacity.

Once a coach-Athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-Athlete relationship (regardless of age) and is presumed to continue for Minor Athletes after the coach-Athlete relationship terminates until the Athlete reaches 20 years of age.

A Power Imbalance may exist, but is not presumed, when an Intimate Relationship existed before the sport

including the period(s) of any sanctions imposed.

relationship (e.g., a relationship between two spouses or life partners that preceded the sport relationship).

L. Respondent

A Participant who is alleged to have violated the Code.

M. Third-Party Reporter

Reports brought by individuals other than the Claimant are referred to as “third-party reports” and those bringing them are “third-party reporters.”

IX. PROHIBITED CONDUCT

This section of the Code sets forth expectations for Participants related to emotional, physical, and sexual misconduct in sport, including bullying, hazing, and harassment.

The privilege of participation in the Olympic & Paralympic Movement may be limited, conditioned, suspended, terminated, or denied if a Participant’s conduct is or was inconsistent with this Code or the best interest of sport and those who participate in it.

It is a violation of the Code for a Participant to engage in or tolerate: (1) Prohibited Conduct, as outlined in the Code; (2) any conduct that would violate any current or previous standards promulgated by the U.S. Center for SafeSport, an NGB, an LAO, or the USOPC that are analogous to Prohibited Conduct and that existed at the time of the alleged conduct; or (3) any conduct that

would violate community standards analogous to Prohibited Conduct that existed at the time of the alleged conduct, including then applicable criminal or civil laws².

Prohibited Conduct include:

- A. Criminal Charges or Dispositions
- B. Child Abuse
- C. Sexual Misconduct
- D. Emotional and Physical Misconduct, including Stalking, Bullying, Hazing, and Harassment
- E. Aiding and Abetting
- F. Misconduct Related to Reporting
- G. Misconduct Related to the Center’s Process
- H. Other Inappropriate Conduct
- I. Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

A. Criminal Charge or Disposition

It is a violation of the Code for a Participant to have a Criminal Charge or Disposition.

Criminal Conduct is relevant to an individual’s fitness to participate in sport. The age of a Criminal Charge or Disposition is not relevant to whether a violation of the Code occurred, but may be considered for sanctioning purposes. The Center reviews Criminal Charges or Dispositions involving sexual misconduct or child abuse *de novo*; any prior consideration or finding by an NGB, LAO, or the USOPC regarding a Criminal

² The focus of this provision is on community standards at the time of the alleged conduct as reflected in then applicable criminal and civil standards. The question is: Would a reasonable person at the time the alleged conduct occurred have had notice that the alleged conduct would

have violated community standards and norms as those standards were generally expressed in then applicable criminal and civil statutes. The Center need not establish every element of a crime, nor must it apply any evidentiary standards other than those provided in this Code.

Disposition involving sexual misconduct or child abuse is not relevant to the Center's determination.

1. Definitions

a. Criminal Disposition

It is a violation of the Code for a Participant to be or have been subject to any disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, including, but not limited to: an adjudication of guilt or admission to a criminal violation, a plea to the charge or a lesser included offense, a plea of no contest, any plea analogous to an Alford or Kennedy plea, the disposition of the proceeding through a diversionary program, deferred adjudication, deferred prosecution, disposition of supervision, conditional dismissal, juvenile delinquency adjudication, or similar arrangement.

b. Criminal Charge, including Warrant for Arrest

It is a violation of the Code for a Participant to have any pending criminal charge(s) or warrant(s) for arrest.

When assessing whether conduct constitutes a Criminal Charge or Disposition, the Center may assess and rely upon the original charges, amended charges, or those to which a plea was entered.

2. Sex Offender Registry

A Participant who is currently on any state, federal, territorial, or tribal sex offender registry is ineligible to participate.

3. Hearing Related to Criminal Charge or Disposition

A Participant who wishes to challenge the Center's decision related to a Criminal Charge or Disposition may request a hearing concerning the sanction only pursuant to Rule-14.

If the Center renders a Decision regarding a Participant's Criminal Charge or Disposition, and that Charge or Disposition is subsequently modified by a criminal court, the Participant may request that the matter be reopened by the Center, pursuant to Section XI(R). In instances where a pending criminal charge(s) resolves, in that the charge(s) is eventually dismissed, results in an acquittal, or results in a Criminal Disposition as defined above, a Respondent's request to reopen will always be granted and a new Decision issued.

B. Child Abuse

It is a violation of the Code for a Participant to engage in Child Abuse.

C. Sexual Misconduct

It is a violation of the Code for a Participant to engage in Sexual Misconduct. Sexual Misconduct offenses include, but are not limited to:

1. Sexual or Gender-related Harassment
2. Non-consensual Sexual Contact (or attempts to commit the same)
3. Non-consensual Sexual Intercourse (or attempts to commit the same)
4. Sexual Exploitation
5. Bullying or hazing, or other inappropriate conduct of a sexual nature.

1. Sexual or Gender-related Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions outlined in (a) or (b) below are present:

Sexual harassment includes harassment related to gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (a) or (b), below, are present.

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of any person's employment, standing in sport, or participation in Events, sports programs or activities; or when submission to or rejection of such conduct is used as the basis for sporting

decisions affecting the individual (often referred to as "quid pro quo" harassment); or

- b. Such conduct creates a hostile environment. A "hostile environment" exists when the conduct is sufficiently severe, persistent, or pervasive such that it interferes with, limits, or deprives any individual of the opportunity to participate in any program or activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective.

Whether a hostile environment exists depends on the totality of known circumstances, including, but not limited to:

- i. The frequency, nature, and severity of the conduct;
- ii. Whether the conduct was physically threatening;
- iii. The effect of the conduct on the Claimant's mental or emotional state;
- iv. Whether the conduct was directed at more than one person;
- v. Whether the conduct arose in the context of other discriminatory conduct;
- vi. Whether the conduct unreasonably interfered with any person's educational or work performance or sport programs or activities; and
- vii. Whether the conduct implicates concerns related to protected speech.

A hostile environment can be created by persistent or pervasive conduct or by a single or

isolated incident that is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of sexual contact without Consent, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment.

2. Nonconsensual Sexual Contact

It is a violation of the Code for a Participant to engage in Sexual Contact without Consent.

Sexual Contact is any intentional touching of a sexual nature, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Contact includes but is not limited to: (a) kissing, (b) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts; and (c) making another touch themselves, the Participant, or someone else with or on any of these body parts.

3. Nonconsensual Sexual Intercourse

It is a violation of the Code for a Participant to engage in Sexual Intercourse without Consent.

Sexual intercourse is any penetration, however slight, with any object or body part (as described below), by a person upon another person.

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

4. Sexual Exploitation

It is a violation of the Code for a Participant to engage in Sexual Exploitation. Sexual Exploitation occurs when a Participant purposely or knowingly:

- a. Allows third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images) without Consent of all parties involved in the sexual activity.
- b. Records or photographs private sexual activity or a person's intimate parts (including genitalia, groin, breasts or buttocks) without Consent of all parties in the recording or photo.
- c. Engages in voyeurism (e.g., watching private sexual activity or viewing another person's intimate parts when that person would have a reasonable expectation of privacy), without Consent of all parties being viewed.

- d. Disseminates, shows or posts images of private sexual activity or a person's intimate parts (including genitalia, groin, breasts or buttocks) without prior Consent of the person depicted in the images.
- e. Intentionally exposes another person to a sexually transmitted infection or virus without that person's knowledge.
- f. Engages in prostituting or trafficking another person.

5. Bullying, Hazing, or Other Inappropriate Conduct of a Sexual Nature

It is a violation of the Code for a Participant to engage in bullying, hazing, and other inappropriate conduct of a sexual nature, as further defined in the corresponding sections below.

D. Emotional and Physical Misconduct

It is a Code violation for a Participant to engage in emotional or physical misconduct, when that misconduct occurs within a context that is reasonably related to sport, which includes, without limitation:

1. Emotional Misconduct
2. Physical Misconduct
3. Bullying Behaviors
4. Hazing
5. Harassment.

1. Emotional Misconduct

Emotional Misconduct includes (a) Verbal Acts, (b) Physical Acts, (c) Acts that Deny Attention or Support, (d) Criminal Conduct, or (e) Stalking. Emotional Misconduct is determined by the objective behaviors, not whether harm is intended or results from the behavior.

- a. Verbal Acts
Repeatedly and excessively verbally assaulting or attacking someone personally in a manner that serves no productive training or motivational purpose.
- b. Physical Acts
Repeated or severe physically aggressive behaviors, including but not limited to, throwing sport equipment, water bottles or chairs at or in the presence of others, punching walls, windows or other objects.
- c. Acts that Deny Attention or Support
Ignoring or isolating a person for extended periods of time, including routinely or arbitrarily excluding a Participant from practice.
- d. Criminal Conduct
Emotional Misconduct includes any act or conduct described as emotional abuse or misconduct under federal or state law (e.g., child abuse, child neglect).

e. **Stalking**

Stalking occurs when a person purposefully engages in a course of conduct directed at a specific person, and knows or should know, that the course of conduct would cause a reasonable person to (i) fear for their safety, (ii) the safety of a third person, or (iii) to experience substantial emotional distress.

“Course of conduct” means at least two or more acts, in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person’s property. “Substantial emotional distress” means significant mental suffering or anguish.

Stalking also includes “cyber-stalking,” wherein a person stalks another using electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

f. **Exclusion**

Emotional Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline or improved Athlete performance. Emotional Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant’s participation.

2. Physical Misconduct

Physical Misconduct is any intentional contact or non-contact behavior that causes, or reasonably threatens to cause, physical harm to another person.

Examples of physical misconduct may include, without limitation:

a. **Contact violations**

Punching, beating, biting, striking, strangling or slapping another; intentionally hitting another with objects, such as sporting equipment; encouraging or knowingly permitting an Athlete to return to play prematurely following a serious injury (e.g., a concussion) and without the clearance of a medical professional.

b. **Non-contact violations**

Isolating a person in a confined space, such as locking an Athlete in a small space; forcing an Athlete to assume a painful stance or position for no athletic purpose (e.g., requiring an athlete to kneel on a harmful surface); withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; providing alcohol to a person under the legal drinking age; providing illegal drugs or non-prescribed medications to another.

c. **Criminal Conduct**

Physical Misconduct includes any act or conduct described as physical abuse or misconduct under federal or state law (e.g., child abuse, child neglect, assault).

d. Exclusion

Physical Misconduct does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance. For example, hitting, punching and kicking are well-regulated forms of contact in combat sports, but have no place in swimming. Physical Misconduct also does not include conduct reasonably accepted as part of sport or conduct reasonably accepted as part of Participant's participation.

3. Bullying Behavior

Repeated or severe behavior(s) that are (a) aggressive (b) directed at a Minor, and (c) intended or likely to hurt, control, or diminish the Minor emotionally, physically or sexually. Bullying-like behaviors directed at adults are addressed under other forms of misconduct, such as Hazing or Harassment. Examples of bullying behavior may include, without limitation, repeated or severe:

a. Physical

Hitting, pushing, punching, beating, biting, striking, kicking, strangling, slapping, spitting at, or throwing objects (such as sporting equipment) at another person.

b. Verbal

Ridiculing, taunting, name-calling or intimidating or threatening to cause someone harm.

c. Social, including cyberbullying

Use of rumors or false statements about someone to diminish that person's reputation; using electronic communications, social media or other technology to harass, frighten, intimidate or humiliate someone; socially excluding someone and asking others to do the same.

d. Sexual

Ridiculing or taunting that is sexual in nature or based on gender or sexual orientation (real or perceived), gender traits or behavior, or teasing someone about their looks or behavior as it relates to sexual attractiveness.

e. Criminal Conduct

Bullying Behavior includes any conduct described as bullying under federal or state law.

f. Exclusion

Conduct may not rise to the level of Bullying Behavior if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Bullying does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

4. Hazing

Any conduct that subjects another person, whether physically, mentally, emotionally or psychologically, to anything that may endanger, abuse, humiliate, degrade or intimidate the person as a condition of joining or being socially accepted by a group, team, or organization. Purported Consent by the person subjected to Hazing is not a defense, regardless of the person's perceived willingness to cooperate or participate.

Examples of Hazing include:

a. Contact acts

Tying, taping or otherwise physically restraining another person; beating, paddling or other forms of physical assault.

b. Non-contact acts

Requiring or forcing the consumption of alcohol, illegal drugs or other substances, including participation in binge drinking and drinking games; personal servitude; requiring social actions (e.g., wearing inappropriate or provocative clothing) or public displays (e.g., public nudity) that are illegal or meant to draw ridicule; excessive training requirements demanded of only particular individuals on a team that serve no reasonable or productive training purpose; sleep deprivation; otherwise unnecessary schedule disruptions; withholding of water or food; restrictions on personal hygiene.

c. Sexualized acts

Actual or simulated conduct of a sexual nature.

d. Criminal acts

Any act or conduct that constitutes hazing under applicable federal or state law.

e. Exclusion

Conduct may not rise to the level of Hazing if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Hazing does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

5. Harassment

Repeated or severe conduct that (a) causes fear, humiliation or annoyance, (b) offends or degrades, (c) creates a hostile environment (as defined above), or (d) reflects discriminatory bias in an attempt to establish dominance, superiority or power over an individual or group based on age, race, ethnicity, culture, religion, national origin, or mental or physical disability; or (e) any act or conduct described as harassment under federal or state law. Whether conduct is harassing depends on the totality of the circumstances, including the nature,

frequency, intensity, location, context, and duration of the behavior.

Conduct may not rise to the level of Harassment if it is merely rude (inadvertently saying or doing something hurtful), mean (purposefully saying or doing something hurtful, but not as part of a pattern of behavior), or arising from conflict or struggle between persons who perceive they have incompatible views or positions. Harassment does not include professionally accepted coaching methods of skill enhancement, physical conditioning, team building, appropriate discipline, or improved Athlete performance.

E. Aiding and Abetting

Aiding and Abetting occurs when one aids, assists, facilitates, promotes, or encourages the commission of Prohibited Conduct by a Participant, including but not limited to, knowingly:

1. Allowing any person who has been identified as suspended or otherwise ineligible by the Center to be in any way associated with or employed by an organization affiliated with or holding itself out as affiliated with an NGB, LAO, the USOPC, or the Olympic & Paralympic Movement;
2. Allowing any person who has been identified as suspended or otherwise ineligible by the Center to coach or instruct Participants;
3. Allowing any person who has been identified as

ineligible by the Center to have ownership interest in a facility, an organization, or its related entities, if that facility/organization/related entity is affiliated with or holds itself out as affiliated with an NGB, LAO, the USOPC, or the Olympic & Paralympic Movement;

4. Providing any coaching-related advice or service to an Athlete who has been identified as suspended or otherwise ineligible by the Center;
5. Allowing any person to violate the terms of their suspension or any other sanctions imposed by the Center.

In addition, a Participant also violates the Code if someone acts on behalf of the Participant to engage in Aiding or Abetting, or if the guardian, family member, or Advisor of a Participant, including Minor Participants, engages in Aiding or Abetting.

F. Misconduct Related to Reporting

1. Failure to Report

An Adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse to the Center and, when appropriate, to law enforcement may be subject to disciplinary action under the Center's resolution procedures and may also be subject to federal or state penalties.

- a. The obligation to report is broader than reporting a pending charge or criminal arrest of a

Participant; it requires reporting to the Center any conduct which, if true, would constitute Sexual Misconduct or Child Abuse. The obligation to report to the Center is an ongoing one and is not satisfied simply by making an initial report. The obligation includes reporting, on a timely basis, all information of which an Adult Participant becomes aware, including the names of witnesses, third-party reporters, and Claimants.

- b. The obligation to report includes personally identifying information of a potential Claimant to the extent known at the time of the report, as well as a duty to reasonably supplement the report as to identifying information learned at a later time.
- c. Participants should not investigate or attempt to evaluate the credibility or validity of allegations involving Sexual Misconduct or Child Abuse. Participants making a good faith report are not required to prove the reports are true before reporting.

2. Intentionally Filing a False Allegation

In addition to constituting misconduct, filing a knowingly false allegation that a Participant engaged in Prohibited Conduct may violate state criminal law and civil defamation laws. Any Participant making a knowingly false allegation in a matter over which the Center exercises jurisdiction shall be subject to disciplinary action by the Center.

- a. An allegation is false if the events reported did

not occur, and the person making the report knows the events did not occur.

- b. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable misconduct, an unsubstantiated allegation alone is not grounds for a Code violation.

G. Misconduct Related to the Center's Process

The behaviors identified below constitute Prohibited Conduct and may give rise to a sanction. In addition, a Participant also violates the Code if someone acts on behalf of the Participant and engages in any of the following Prohibited Conduct, including a Participant's Advisor, or the guardian, or family member of a Minor Participant. In such a case, the Participant and, if the party acting on behalf of the Participant is also a Participant, that person, may be sanctioned.

1. Abuse of Process

A Participant, or someone acting on behalf of a Participant, violates this Code by directly or indirectly abusing or interfering with the Center's process by: (a) falsifying, distorting, or misrepresenting information, the resolution process, or an outcome; (b) destroying or concealing information; (c) attempting to discourage an individual's proper participation in, or use of, the Center's processes; (d) harassing or intimidating

(verbally or physically) any person involved in the Center's processes before, during, or following proceedings (including up to, through, and after any review by an arbitrator); (e) publicly disclosing a Claimant's identifying information³; (f) failing to comply with a temporary measure or other sanction; (g) distributing or otherwise publicizing materials created or produced during an investigation or Arbitration as apart of these policies or procedures, except as required by law or as expressly permitted by the Center; or (h) influencing or attempting to influence another person to commit abuse of process.

2. Retaliation

Retaliation against anyone for engaging in the Center's processes is prohibited.

A Participant, someone acting on behalf of a Participant, an NGB, LAO, the USOPC or any organization under the Center's jurisdiction shall not take an adverse action against any person for making a good faith report of a possible Code violation to the Center or other relevant organization as identified herein or for participating in any process under this Code.

Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in the Center's processes when the

action is reasonably related to the report or engagement with the Center. Retaliation may be present even where there is a finding that no violation occurred.

Retaliation does not include good-faith actions lawfully pursued in response to a report of a Code violation.

H. Other Inappropriate Conduct

1. Intimate Relationship

An Adult Participant violates this Code by engaging in an intimate or romantic relationship where a Power Imbalance exists.

An Intimate or Romantic relationship is a close personal relationship—other than a familial relationship—that exists independently and outside of the sport relationship. Whether a relationship is intimate is based on the totality of the circumstances, including: regular contact or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical or intimate contact or sexual activity, identity as a couple, the sharing of sensitive personal information, or intimate knowledge about each other's lives outside the sport relationship.

2. Exposing a Minor to Sexual Content / Imagery

³ The Protecting Young Victims from Abuse and Safe Sport Authorization Act of 2017 requires that the Center "protect the privacy and safety of the

[Claimant]." However, a Claimant may waive this provision by choosing to publicly disclose his/her own identifying information at any time.

An Adult Participant violates this Code by intentionally exposing a Minor to content or imagery of a sexual nature, including but not limited to, pornography, sexual comment(s), sexual gestures, or sexual situation(s).

This provision does not exclude the possibility that similar behavior between Adults could constitute Sexual Harassment, as defined in the Code.

3. Intentional Exposure of Private Areas

An Adult Participant violates this Code by intentionally exposing breasts, buttocks, groin, or genitals, or induces another to do so, to an Adult when there is a Power Imbalance, or to a Minor.

4. Inappropriate Physical Contact

An Adult Participant violates this Code by engaging in inappropriate physical contact with a Participant when there is a Power Imbalance. Such inappropriate contact includes, but is not limited to, intentionally:

- a. touching, slapping, or otherwise contacting the buttocks or genitals of a Participant;
- b. excessively touching or hugging a Participant;
- c. kissing a Participant.

⁴ “Grooming” describes the process whereby a person engages in a series or pattern of behaviors with a goal of engaging in sexual misconduct. Grooming is initiated when a person seeks out a vulnerable minor. Once selected, offenders will then earn

5. Willful Tolerance

A Participant violates this Code by willfully tolerating any form of Prohibited Misconduct, when there is a Power Imbalance between that Participant and the individual(s) who are being subjected to the Prohibited Conduct.

I. Minor Athlete Abuse Prevention Policies / Proactive Policies

It is a violation of the Code for a Participant to violate any provision of the Minor Athlete Abuse Prevention Policies or other proactive policies adopted by the NGBs, LAOs, or the USOPC. Proactive policies set standards for professional boundaries, minimize the appearance of impropriety, and have the effect of preventing boundary violations and prohibiting grooming tactics.⁴ Tailored to a specific sport, context, legal structure or constituency, such policies may address overnight travel rules (e.g., preventing unrelated Adult Participants and Minors from sharing rooms under specified circumstances), massages and rubdowns, social media and electronic communications, photography, locker rooms, one-on-one meetings and gifting.

X. REPORTING

the minor’s trust, and potentially the trust of the minor’s family. After the offender has engaged the minor in sexually inappropriate behavior, the offender seeks to maintain control over him/her. Grooming occurs through direct, in-person or online contact.

Note: Nothing in this policy shall be construed to require a victim of child abuse or other misconduct to self-report.

No one should investigate suspicions or allegations of child abuse or other Prohibited Conduct, or attempt to evaluate the credibility or validity of allegations as a condition of reporting to the Center or to appropriate authorities.

A. Reporting Requirements related to:

1. Child Abuse

An Adult Participant who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, shall immediately make a report of the suspected abuse to *both* Law Enforcement and the U.S. Center for SafeSport:

a. Law Enforcement

- i The agency designated by the Attorney General, consistent with federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341).
- ii Applicable State Law Enforcement agency; learn more about this requirement by visiting <https://www.childwelfare.gov/topics/responding/reporting>.

b. U.S. Center for SafeSport

- i Through the Center for SafeSport's online reporting form, www.uscenterforsafesport.org/report-a-concern.
- ii By Phone at 720-531-0340, during regular business hours (Monday-Friday, 9:00 AM MT – 5:00 PM MT.) or toll-free at 1-833-5US-SAFE (24-hours per day, 7-days per week).

Reporting such conduct to the Center does not satisfy an Adult Participant's obligation to report to law enforcement or other appropriate authorities consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341).

2. Sexual Misconduct

The Center encourages *anyone* who experiences or becomes aware of an incident of Sexual Misconduct to immediately report the incident to the Center (and to law enforcement if the matter involves possible criminal conduct).

If an *Adult Participant* reasonably suspects that an incident(s) of Sexual Misconduct has occurred, they **must** immediately report the incident(s) directly to the Center.

3. Emotional and Physical Misconduct

Adult Participants are required to report to the organization with which the Participant is affiliated emotional and physical misconduct (including bullying, stalking, hazing, and harassment) prohibited under the Code, and violations of proactive policies. To report to the USOPC, NGBs, or LAOs, visit the relevant organization's website.

4. Criminal Dispositions

Adult Participants are required to report to the Center Criminal Charge(s) and Disposition(s) involving sexual misconduct or misconduct involving Minors.

Adult Participants are required to report Criminal Charge(s) and Disposition(s) involving any other form of misconduct to the relevant organization (the USOPC, NGB, or LAO), consistent with its procedures.

5. Misconduct Related to the Center's Process

Adult Participants are required to report to the Center any suspected incident(s) of:

- a. Aiding and Abetting,
- b. Abuse of Process,
- c. Retaliation

B. Anonymous Reports

Reports may be made anonymously to the Center. Anonymity means the Center will not know the

personally identifying information of the reporter. It does not mean that the underlying information will be protected.

However, an anonymous report may limit the Center's ability to investigate and respond to a report, and if an Adult Participant reports anonymously, it may not be possible for the Center to verify that mandatory reporting obligations have been satisfied.

Consequently, the Center strongly encourages Adult Participants to provide their name and contact information when reporting.

C. Confidentiality for Third-Party Reporters

Unless necessary to the Center's investigation or resolution of a matter, the Center does not disclose a Third-Party Reporter's personally identifying information.

D. Reporting Options for Claimants

A Claimant may choose to make a report to the Center to pursue resolution under these procedures and may also choose to make a report to law enforcement or pursue available civil or administrative remedies. A Claimant may pursue one, some, or all of these options at the same time.

A Claimant who wishes to pursue criminal action in addition to, or instead of, making a report under these procedures should contact law enforcement or legal counsel directly.

XI. RESOLUTION PROCEDURES

A. Initiating Proceedings

When the Center receives a report of allegations that fall within its exclusive authority, or accepts jurisdiction over allegations within its discretionary authority, it will notify the relevant NGB, or the USOPC, conduct a preliminary inquiry, and, if appropriate, undertake an investigation to determine whether a Participant violated the Code.

B. Substantive Standards and Procedural Rules

When the alleged conduct by a Participant occurred prior to the effective date of the Code, the Center may apply other substantive standards in effect at the time of the conduct that are analogous to Prohibited Conduct, including then effective criminal laws or previous standards promulgated by the U.S. Center for SafeSport, NGB, LAO, or USOPC. However, in all cases, these resolution procedures will be used to investigate and resolve matters, regardless of when the incident of Prohibited Conduct occurred.

C. Standard of Proof

The Center bears the burden of gathering sufficient evidence to reach a determination, based on the preponderance of the evidence, that a Participant violated the Code. A “preponderance of the evidence” means “more likely than not.”

D. Consolidation

Matters involving more than one Claimant or more than one Respondent may, in the Center’s discretion, be consolidated into a single matter.

E. Related Proceedings

1. Effect of Criminal or Civil Proceedings

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the Code, the resolution of a criminal proceeding without a Criminal Disposition is not determinative of (but may be relevant to) whether a violation of the Code has occurred. Conduct may violate the Code even if the Respondent is not charged, prosecuted or convicted for the behavior that could constitute a potential violation of the Code, is acquitted of a criminal charge, or legal authorities decline to prosecute.

Apart from the application of the Code as it relates to Criminal Charge(s) and Disposition(s), the Center’s resolution will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.

2. No Waiver of Other Legal Remedies

Participating in the Center’s process does not extend or restrict a person’s right to file charges or claims

regarding the underlying allegations with any other agency, law enforcement, or court. This is not intended to create or grant a right of action against the Center or in any way waive the Center's, the USOPC's, an NGB's, or any other applicable party or entity's immunity, if any, under the Protecting Young Victims from Abuse and Safe Sport Authorization Act of 2017 or any other legal theory.

F. Coordinating with Law Enforcement

The Center may contact any law enforcement agency that is conducting its own investigation to inform that agency that the Center is also investigating, to ascertain the status of the criminal investigation, and to determine the extent to which any evidence collected by law enforcement may be available to the Center in its investigation. At the request of law enforcement, the Center may delay its investigation temporarily while an external law enforcement agency is gathering evidence. The Center will resume its investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation. The Center may also provide some or all of its case information, documentation, or evidence to law enforcement.

G. Statute of Limitations or Other Time Bars

The Center assesses a Participant's fitness to participate in sport. As past conduct informs current fitness, no criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent the Center from investigating, assessing, considering and adjudicating any relevant conduct regardless of when it occurred.

H. Methods of Resolution

1. Administrative Closures

The Center, in its discretion, may administratively close a matter. This may be done as a result of insufficient evidence, a Claimant(s) who elects not to participate in the resolution process, or other factors as determined by the Center. The Center may, upon receipt of new information or evidence, or a change in circumstances, reopen the matter for further investigation.

2. Informal Resolution

A Respondent may, at any time before a matter is final, elect to resolve allegations of Prohibited Conduct by accepting responsibility for a policy violation. A Participant's doing so provides for the opportunity to informally resolve the matter, and the Center will determine the appropriate sanction. An informal resolution is not a settlement, but does constitute a final and binding disposition of the matter. The outcome and sanctions of an informal resolution may be published by the Center.

3. Formal Resolution

A Formal Resolution occurs after the Center has completed an investigation and issues its Decision. A Respondent may request a hearing of the Center's Decision if a violation is found.

I. Participation

1. Parties

The parties to an investigation and arbitration are the Center and the Respondent. During the investigation, the Claimant and Respondent will have an opportunity to submit information and relevant evidence, to identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to each other or to any witness.

Neither the Claimant nor Respondent are required to participate in the investigation nor any form of resolution under these procedures. However, full cooperation and participation in the resolution process is important to ensure that all relevant information and evidence are presented so the Center can determine whether a Code violation occurred. If a Claimant or Respondent declines to cooperate or participate in an investigation, the Center will make its decision based on the available evidence; alternatively, the Center may, in its discretion, choose not to proceed.

- a. Where a Claimant declines or is otherwise unable to participate in an investigation or hearing, the Center's ability to resolve the allegations may be limited. In such cases, the Center may pursue the report if it is possible to do so without the Claimant's participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as

recordings, corroborating reports from other witnesses, or physical evidence). Even with such evidence, however, the Center may only be able to respond to the report in limited and general ways.

- b. If during the investigative process (i.e., prior to the Decision being issued), information or evidence that is available to the Respondent, including testimonial evidence, is not provided to the investigator, such information or evidence will not be considered in determining whether a violation of the Code occurred.

If such information or evidence is provided after a Decision has been issued, absent good cause, it will be afforded less weight during any subsequent Arbitration. The Center may reopen the investigation to determine the evidentiary value of, or gather additional evidence related to, such evidence. The arbitration-related costs associated with any delay will be borne by the Respondent.

2. Advisors

Throughout the resolution process, Claimant(s) and Respondent(s) each have the right to choose and consult with an advisor. The advisor may be any person, including an attorney. However, a party or witness involved in the investigation or hearing, or an employee of, board member of, or legal counsel for the USOPC, an NGB, or the Center, cannot serve

as an advisor.⁵ The Claimant and Respondent may be accompanied by their respective advisors at any meeting or proceeding related to the investigation, hearing and resolution of a report under these procedures. While the advisors may provide support and advice to the parties at any meeting or proceeding, they may not speak on behalf of the Claimant or Respondent, or otherwise participate in such meetings or proceedings except as provided herein.

3. Witnesses

Witnesses who are Participants are expected to participate and cooperate in the Center's investigation and any associated proceedings. Any witness likely to provide testimonial evidence in an Arbitration must, if requested, consent to be interviewed by the Center within a reasonable time prior to any hearing. If such witness refuses to be interviewed, the witness's testimonial evidence will neither be admitted nor considered at an Arbitration. The Center may request a postponement of any hearing to allow sufficient time to interview witnesses and follow-up as necessary.

4. Claimant's Request for Anonymity

A Claimant may request that personally-identifying information not be shared with a Respondent. The Center will seek to honor the Claimant's request(s)

This provision does not intend to interfere with the Office of Athlete Ombuds' performance of statutorily mandated functions, nor does it

if it is possible to do so while also protecting the health and safety of the Claimant and the sporting community. However, the Center may not be able to proceed with an investigation or resolution of a matter if a Claimant requests anonymity.

5. Privacy

The Center is committed to protecting the privacy of all individuals involved in the investigation and resolution of reported allegations. With respect to any report under these procedures, the Center, in its discretion, will make reasonable efforts to protect the privacy of individuals involved in the Center's process, while balancing the need to gather information to assess a report and to take steps to eliminate Prohibited Conduct.

Information will be shared as necessary with Center staff and counsel, witnesses, and the parties. It may also be necessary for the Center to notify the NGB or the USOPC (a) of an allegation involving a Participant from that organization; (b) if the Center implements a temporary measure; (c) of procedural status updates; and (d) of any sanctions.

Parental/Guardian Notification

The Center reserves the right to notify guardians of Claimants regarding any health or safety risk.

contemplate the Center's Resource & Process Advisor.

J. Procedural Rights of Respondents

Federal law provides Respondents with certain procedural rights. 36 USC § 220541(a)(1)(H). For any action taken against a Respondent, including an investigation, the imposition of sanctions, or any other disciplinary action, the Center must provide procedural due process to the Respondent, which includes:

1. The provision of written notice of allegations against the Respondent;
2. The right to be represented by counsel or other advisor;
3. An opportunity to be heard during the investigation;
4. A reasoned decision from the Center if a violation is found;
5. The ability to challenge through arbitration any temporary measures or sanctions imposed by the Center.

Federal law permits the Center to impose temporary measures or sanctions before providing an opportunity to arbitrate. 36 USC § 220541(a)(2)(A).

K. Recordings

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by the Center.

L. Prior or Subsequent Conduct

Prior or subsequent conduct of the Respondent may be considered for any purpose, including in determining

pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Code violation, may be deemed relevant to determining responsibility for the conduct under investigation. Determining the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially like the conduct under investigation or indicates a pattern of similar Prohibited Conduct.

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—

- (i) any harm to the alleged victim; and
- (ii) unfair prejudice to any party.

M. Relevance

The Center has the discretion to determine the relevance of any proffered evidence. In general, statements of opinion as to any person's general reputation for any character trait, rather than direct observations or reasonable inferences from the facts, will not be considered.

N. Investigation Report

A final Investigation Report will be prepared that sets

forth the investigator's findings of fact. This report will be shared with the Claimant(s) and Respondent(s) upon issuance of the Decision. The Investigation Report and any attachments are considered confidential.

O. Decision

The Center will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that Respondent violated the Code. If there is a finding that the Respondent violated the Code, the Decision will note the violation and identify an appropriate sanction(s). The Claimant and Respondent will be notified of the Decision. Such Notice of Decision will set forth any violation(s) of the Code, as supported by the rationale set forth in the Decision and Investigation Report; the sanction(s) imposed against the Respondent (if applicable); and the rationale for any sanction(s) imposed. The Notice of Decision is considered confidential; however, the outcome reflected in the Decision—including whether a violation was found, the nature of the underlying misconduct, and any sanctions imposed—is not.

P. Requesting a Stay of the Sanction(s)

At any time, the Center—on its own or at the request of a Respondent—may stay a sanction(s). Whether to stay a sanction(s) is within the Center's sole discretion and is not reviewable.

Q. Requesting Arbitration Hearing

Upon issuance of a Decision, a Respondent has ten Days to request a hearing before an arbitrator. If Respondent does not make such a request within ten Days, the Decision is no longer subject to review, except as permitted herein. If a Respondent timely requests that the Center grant an extension of time to request an Arbitration, the Center may, in its discretion, grant such request.

R. Reopening a Matter

At any time, the Center—on its own or at the request of a Claimant or Respondent—may reopen a matter based upon new evidence that was previously unavailable or a change in circumstances that could substantially impact the original finding or sanction. Whether to reopen a case is within the Center's sole discretion and is not reviewable.

S. Confidentiality – Release/Use of Materials

The Center's decisions, investigation reports, and other work product are confidential under 36 USC § 220541(f)(4)(C). The following documents or evidence related to the response and resolution process must remain confidential, in that they may not be disclosed outside of the proceedings, except as may be required by law or authorized by the Center: the Notice of Decision; the Investigation Report and any documents or evidence attached thereto, including interview

statements of a Claimant, Respondent, or other witnesses; any audio recordings or transcripts of those recordings created as part of the investigative process; all documents or evidence submitted to or prepared by the arbitrator, including any hearing transcripts. Violation of this provision, including by an advisor for an involved party, may constitute an Abuse of Process.

While the physical documentation must remain confidential, the relevant NGB or the USOPC, or its affiliates may disclose the outcome of the matter, including the Summary of Decision, to those parties or organizations with a need to know so that the outcome can be properly effectuated or understood.

Additionally, subject to the Abuse of Process provision (including the prohibition on identifying a Claimant), the Center does not impose any restrictions on a Claimant's or Respondent's ability to discuss the incident, their participation in the Center's process, or the outcome of that process.

If any person or entity misrepresents the process, the underlying facts, or the outcome of a matter, the Center reserves the right to publicly correct the record.

XII. TEMPORARY MEASURES

A. By the Center

1. Timing

The Center may implement Temporary Measures at any time. A Temporary Measure shall be effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until the Center expressly removes the Temporary Measure(s).

2. Standard

When implementing a temporary measure, the Center evaluates whether (i) the measure is reasonably appropriate based on the seriousness of the allegations and the facts and circumstances of the case; (ii) the measure is reasonably appropriate to maintain the safety or well-being of the Claimant, other Athletes, or the sport community; or (iii) the allegations against the Respondent are sufficiently serious that the Respondent's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it.

When the allegations involve child sexual abuse, the age of those allegations is not relevant to this determination.

3. Remedies

Temporary measures may include, but are not limited to, altering training schedules, providing or requiring chaperones, implementing contact limitations, implementing measures prohibiting one-on-one interactions, and suspensions from participation in

some or all aspects of sport activity. If measures require monitoring or chaperoning, the Respondent may be required to locate, arrange and pay for some or all of those services as a condition of continued participation pending completion of the investigation.

4. Review by Arbitrator

In all instances when a Temporary Measure materially affects the opportunity to participate (e.g., suspension), the Participant may challenge the measure by requesting an Arbitration, in accordance with Arbitration Rule 40.

5. Modifiable

The Center may modify a Temporary Measure at any time.

6. Failure to Comply with Temporary Measures

Failure to comply with a Temporary Measure constitutes an independent violation of the Code.

B. By the USOPC, NGB, or LAO

Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary measures previously imposed by the USOPC, NGB, or LAO will be automatically and immediately adopted by the Center as its own, and will be applicable throughout all Olympic, Paralympic, Pan American and Para Pan sports in the United States, and will remain in effect unless and until

the Center modifies those measures.

XIII. SANCTIONS

Where there is sufficient evidence through the resolution procedure to support a finding that a Participant violated the Code, the Center will determine whether or the extent to which a Participant may participate in sport and may impose one or more sanctions. Different incidents constituting a violation of the same policy may arise out of markedly different circumstances, including various case-specific aggravating or mitigating factors.

A. Sanctions

One or more of the following sanctions may be imposed singularly or in combination:

- *Written warning*
An official, written notice and formal admonition that a Participant has violated the Code and that more severe sanctions will result should the Participant be involved in other violations.
- *Probation*
A specified period of time during which, should any further violations of the Code occur during the probationary period, it will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements.
- *Suspension or other eligibility restrictions*
Suspension for a specified period of time from

participation, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any LAO, or at a facility under the jurisdiction of the same. In the Center's discretion, a suspension may include restrictions or prohibitions from some types of participation but allowing participation in other capacities.

A suspended Participant is eligible to return to sport after the suspension lapses, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.

- *Ineligibility*

Ineligibility to participate until further notice, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any LAO, or at a facility under the jurisdiction of the same. Ineligibility is typically imposed when a Respondent has pending charges, in violation of the Criminal Charges or Disposition provision.

- *Permanent Ineligibility*

Permanent ineligibility to participate, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of the USOPC, any NGB, or any LAO or at a facility under the jurisdiction of the same.

- *Other discretionary sanctions*

The Center may, in its discretion, impose other

sanctions for Prohibited Conduct, including, but not limited to, other loss of privileges, no contact directives, requirement to complete educational or other programs, or other restrictions or conditions as deemed necessary or appropriate.

B. Considerations

Factors relevant to determining appropriate sanctions include, without limitation:

1. The Respondent's prior history;
2. A pattern of inappropriate behavior or misconduct;
3. The ages of individuals involved;
4. Whether the Respondent poses an ongoing or potential threat to the safety of others;
5. Respondent's voluntary disclosure of the offense(s), acceptance of responsibility for the misconduct, and cooperation in the Center's process;
6. Real or perceived impact of the incident on the Claimant, the USOPC, NGB(s), LAO(s), or the sporting community;
7. Whether given the facts and circumstances that have been established, continued participation in the Olympic & Paralympic Movement is appropriate; or
8. Other mitigating and aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed.

C. Publication

The Center is required under 36 USC § 220541(a)(1)(G) to maintain a publicly-available searchable database of Participants whose eligibility has in some way been restricted by the Center, the USOPC, an NGB, or an LAO.

XIV. Arbitration Rules

1. Application

These Rules shall apply to arbitrations arising out of the Code. No other arbitration rules shall be applicable. Each Participant, by virtue of membership, affiliation, or participation or other activity making them subject to the jurisdiction of the Center, agrees to abide by and be subject to these Arbitration Rules as the sole and exclusive method of resolving any challenge to the Center's eligibility decision(s) or the Center's processes.

2. Scope

Arbitration shall resolve whether a Respondent violated the Code and the appropriate sanction.

3. Arbitrator Qualifications

The pool of arbitrators for the Center's cases shall consist of individuals who are U.S. citizens and meet the SafeSport Arbitrator Qualifications (Exhibit 2), as determined by the arbitration body. All arbitrators in the Center's arbitrator pool will receive specialized training.

4. Parties

The parties to the Arbitration will be the Center and the Respondent. A reference to the parties, the Center, the Respondent or the Claimant will include any parent or guardian of a Minor, unless otherwise stated herein.

5. Advisor

A Claimant or Respondent may have a single advisor, at that party's own expense. The advisor may but need not be an attorney.

The Respondent's advisor, if any, may participate in the pre-hearing conference, confer with the Respondent during the hearing, clarify procedural questions, present opening and closing arguments on behalf of the Respondent, suggest questions to the Respondent and the arbitrator during witness examinations, or to the extent direct examination by the parties is permitted, question witnesses on behalf of the Respondent.

A Claimant or Respondent intending to have an advisor shall notify the Center and the arbitration body of the name and address of the advisor a minimum of 24 hours before the date set for the hearing or other proceeding at which the advisor is first to appear. The parties are responsible for keeping the arbitration body informed of any changes in advisors. Notice given to a designated advisor shall be deemed notice to the advisee.

6. Confidentiality

The arbitration, including all pre-hearing matters, shall

be subject to the confidentiality provisions set forth in the Code and other confidentiality policies adopted by the Center.

7. Initiating Arbitration

After receiving a request for an Arbitration hearing, the Center will send a notice to the Respondent and the Arbitration administrator informing them that an Arbitration has been initiated and requesting confirmation of an email address to which notice will be deemed received upon mailing to such address. The notice shall set forth (i) the alleged violation; (ii) the sanction determined by the Center; (iii) the recipient's confidentiality obligations; and (iv) that any recipient who violates confidentiality obligations shall be subject to the jurisdiction of the Center and may be held, after proper process, to have violated the Code. The Arbitration will be deemed initiated upon receipt by the administrator of the necessary fees.

8. Number of arbitrators

There shall be one arbitrator.

9. Arbitrator appointment – Merits Arbitration

- a. Promptly after Arbitration is initiated, the Arbitration body will send simultaneously to Respondent and the Center an identical list of nine arbitrators, all of whom shall be attorneys or retired judges. The parties are encouraged to agree to an arbitrator from the submitted list and to advise the Arbitration body of their agreement.

- b. Within 48 hours after receiving the arbitrator list, the Center and the Respondent each may strike the names of up to two arbitrators from the list and return the list to the Arbitration body. If a party does not return a strike list within the time specified, all persons named in the list shall be deemed acceptable to that party. The names stricken by a party will not be disclosed to the other party.
- c. From among the persons not stricken by the parties, the Arbitration body shall invite an arbitrator to serve. If, for any reason, an arbitrator cannot be appointed from the submitted lists, the Arbitration body shall have the power to make the appointment from among the other attorneys or retired judges of the pool, not to include any arbitrator previously stricken by a party.

10. Notice to Arbitrator of Appointment

Notice of the appointment of the arbitrator, whether appointed by the parties or by the Arbitration body, shall be sent to the arbitrator by the Arbitration body, together with a copy of these Rules. A signed acceptance by the arbitrator shall be filed with the Arbitration body.

11. Jurisdiction and conflicts of Interest

a. Jurisdiction

The arbitrator shall have the power to rule on the arbitration body's jurisdiction, including any objections with respect to the existence, scope or validity of the Arbitration agreement. Any

challenges to the arbitrator's jurisdiction must be made in the position statement and shall be decided at or before the commencement of the hearing.

b. Conflicts of interest

Any person appointed as an arbitrator shall disclose to the arbitration body any circumstance that could affect impartiality or independence, including any bias, any financial or personal interest in the result of the Arbitration, or any past or present relationship with the parties or witnesses.

The arbitration body shall communicate any information concerning a potential conflict of interest to the relevant parties and, as appropriate, to the arbitrator.

A party may file an objection with the Arbitration body contesting an arbitrator's continued service due to a conflict of interest. Upon receiving an objection, the arbitration body shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive. The parties may agree in writing that an appointed arbitrator subject to disqualification will not be disqualified.

c. Replacing a conflicted arbitrator

If the arbitration body determines that a selected arbitrator has a conflict of interest with one of the parties and the parties do not agree to waive the conflict, then the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges not stricken by the parties. If the

appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among other attorneys or retired judges in the arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

12. Vacancies

If an arbitrator is no longer able to hear a case for which the arbitrator has been appointed, the arbitration body shall select a substitute arbitrator from the remaining attorneys or retired judges not stricken by the parties. If the appointment cannot be made from the list, the arbitration body shall have the power to make the appointment from among the other attorneys or retired judges of the full arbitrator pool without the submission of additional lists, not to include any arbitrator previously stricken by a party.

13. Submissions to and Communication with Arbitrator

Except as provided herein, no party shall communicate unilaterally concerning the arbitration with an arbitrator or a candidate for an arbitrator position. Any documents submitted by any party to the arbitration body or to the arbitrator (with the exception of arbitrator strike lists and, when appropriate, *ex parte* submission of witness questions) shall simultaneously be provided to the other party or parties to the arbitration.

14. Hearing Concerning Sanctions and Criminal Charges or Dispositions

If a Respondent requests a hearing concerning only the Center's sanctions, or regarding a Criminal Charge or Disposition, the following Rules apply:

a. Scope

The violation and the underlying facts will be deemed established and irrebuttable. The arbitrator will determine whether the Center's sanctions are appropriate given the facts and circumstances, as established.

b. Standard of review

The arbitrator is authorized to modify the sanction only upon finding that the Center abused its discretion.

c. Briefing

Within ten Days of the arbitrator's appointment, the Respondent shall file a position statement setting forth the basis for the challenge to the sanction. Within seven Days of the Respondent's filing, the Center shall file its position statement.

d. Oral argument

The decision shall be based on the parties' briefs and the Decision. However, the arbitrator may in the arbitrator's discretion allow for oral argument.

e. Decision

The arbitrator will render a final and binding written decision to all parties within five Days from briefing, or if oral argument is allowed, within five Days of oral argument.

15. Procedural Due Process

The SafeSport Code and 36 USC § 220541(a)(1)(H) provide a Respondent with certain procedural due process protections. A Respondent who alleges violations of these rights can raise the claim before the arbitrator only if the Respondent has previously informed the Center of the alleged violation and given the Center an opportunity to cure the violation. An arbitrator can order a party to take any reasonable steps necessary to cure the violation, except for dismissal of the action.

16. Pre-Hearing Conference

- a. The arbitrator shall schedule as soon as practicable a preliminary pre-hearing conference with the parties by telephone or video conference, but no sooner than four Days and no later than 10 Days after the arbitrator is appointed.**
- b. At least two Days before the pre-hearing conference, the Respondent shall provide the Center and arbitration body with a written answer to the Center's Decision against him/her (to include a written statement containing Respondent's summary of the factual rebuttal to the violation and the defenses the Respondent intends to raise at the arbitration) and the**

documentary evidence and witnesses that the Respondent intends to present at the hearing. If the Respondent fails to submit the required information, the arbitrator has the discretion to deny its admittance at the arbitration.

- c. The pre-hearing conference will be directed by the arbitrator and shall be the exclusive opportunity of the parties to address issues that need to be resolved before the hearing, including, but not limited to:
 - i. The timeline for the exchange of position statements, list of evidence, and list of witnesses. The position statement shall address any expected evidentiary issues, challenges to jurisdiction, and any other disputed issues.
 - ii. The scheduling and logistics of the hearing, to include without limitation the amount of time each side will have to present its evidence. Absent exceptional circumstances, the arbitrator will schedule the hearing to be completed within a single, eight-hour day. The arbitrator may schedule more than one pre-hearing conference only if the arbitrator determines that an additional conference is necessary.
 - iii. The arbitrator shall issue a written decision that memorializes decisions made and agreements reached during or following the pre-hearing conference.

17. Discovery

Respondents will receive from the Center a Notice of Decision, Investigation Report, and any exhibits to the Investigation Report, redacted for any personally identifying information. There shall be no additional discovery.

18. Date and Time of Hearing

The arbitrator shall use best efforts to ensure that the hearing is completed and the decision rendered within 15 Days of the pre-hearing conference.

Although the arbitrator shall make reasonable accommodations to the parties and their advisors with regard to scheduling, the parties and their advisors have a duty to be reasonably available to ensure the ability of the arbitration process to render a reasonably prompt result. The arbitrator, in the arbitrator's sole discretion, may rule that the unavailability of a party's advisor is not grounds for postponing the hearing.

Failure by the arbitrator or the Center to adhere to the timelines set forth herein shall not be grounds for overturning the arbitrator's decision.

19. Place of Hearing

The hearing will be conducted telephonically or by videoconference except as authorized by the arbitrator in extraordinary circumstances, in which case the hearing may be held in person at a location in the United States determined by the arbitrator. If a hearing is held in

person, the arbitrator may nonetheless permit Claimant(s) or witness(es) to appear behind screens, by telephone or via videoconference. For all hearings, whether in person, telephonically, or by videoconference, the seat of the arbitration shall be Denver, Colorado.

20. Attendance

Unless the arbitrator and the parties agree otherwise, only the following individuals shall be present at the hearing: (1) the Center's representatives; (2) the Respondent; (3) the Claimant(s); (4) the Claimant(s) and Respondent's respective advisors; and (5) witnesses during their own testimony.

21. Oaths

Before proceeding with the hearing, each arbitrator will take an oath of office if required by law. The arbitrator will require witnesses to testify under oath if it is required by law.

22. Interpreters

All arbitration proceedings shall be conducted in English. Any party who would like an interpreter is responsible for coordinating directly with the interpreter and is responsible for the costs of the interpreter service. The interpreter must be free of conflicts of interest and approved by the Center.

23. Continuance

The arbitrator may continue any hearing upon agreement of the parties, upon request of a party or upon the arbitrator's own initiative. Unless agreed, postponements shall be discouraged and only granted in compelling circumstances. A party or parties causing a postponement of a hearing will be charged a postponement fee, as set forth in the arbitration fee schedule.

24. Arbitration in the Absence of a Party or Advisor

Subject to Section XI(J), the arbitration may proceed in the absence of any party or advisor who, after notice, fails to be present or to obtain a postponement. The arbitrator shall require the party who is present to submit evidence that the arbitrator may require for the making of a decision.

25. Standard of Proof

The Arbitration shall use a preponderance of the evidence standard to determine if a Participant has violated the Code.

26. Rules of Evidence

- a. Strict conformity to legal rules of evidence shall not be necessary, and hearsay evidence may be considered.
- b. The Center's Decision and Investigative Report with Appendices shall be admitted into evidence and the arbitrator shall give them appropriate weight.

- c. The arbitrator shall determine the admissibility, relevance and materiality of the evidence offered and may exclude evidence deemed by the arbitrator to be cumulative, irrelevant or unreliable.
- d. The arbitrator shall take into account applicable principles of privilege, including without limitation those involving the confidentiality of communications between an attorney and client and between a physician and patient.
- e. Any statement from a Minor, be it written, recorded or live, and whether direct or hearsay, shall be admissible.
- f. Evidence relating to other sexual behavior or the sexual predisposition of the Claimant cannot be admitted as evidence in any arbitration unless the probative value of the use or admission of such evidence, as determined by the arbitrator, substantially outweighs the danger of—
 - (i) any harm to the alleged victim; and
 - (ii) unfair prejudice to any party.

27. Evidence by Affidavit

The arbitrator may receive and consider the evidence of witnesses by declaration or affidavit and shall give it such weight as the arbitrator deems appropriate after considering any objection made to its admission.

28. Hearing

Unless the parties agree that the arbitrator can determine

the case without an oral hearing and on written briefing alone (which the parties may do whether the matter relates to liability and sanctions or sanctions only), the arbitrator will hold an oral hearing.

- a. Arbitrator to manage proceedings expeditiously

The arbitrator, exercising discretion, shall conduct the proceedings expeditiously and may direct the order of proof, bifurcate the hearing between the violation and sanction portions of the hearing, and direct the parties to focus their presentations on issues the decision of which could dispose of all or part of the case.

- b. Opening Statements

Each party shall be entitled to present a concise opening statement prior to the presentation of evidence. The Center or its advisor shall present its opening statement first, followed by the Respondent.

- c. Presenting evidence

Both the Center and the Respondent shall be entitled to an equitable amount of time to present evidence in support of or in opposition to the alleged violations, as determined by the arbitrator at the pre-hearing conference. Absent exceptional circumstances, the parties will be expected to complete the hearing in a single, eight-hour business day. The arbitrator will track the time used by each party during the course of proceedings and enforce the time limits to ensure equitable time to both parties. The parties will be permitted, subject to any pre-hearing orders, to

present documentary evidence through the submission of exhibits and to present testimony through affidavit or in-person testimony of witnesses.

The Center will present its evidence first. The Respondent will present its evidence second. The Center may then present any rebuttal evidence.

d. Examining witnesses

1. The Claimant shall be subject to questioning by only the arbitrator unless the Claimant agrees to direct examination and cross-examination by the opposing party.
2. Unless the Claimant elects to be questioned directly by the parties, no later than five Days before the hearing, the Center and the Respondent each may submit, *ex parte* to the arbitrator, proposed questions and lines of inquiry for the questioning of the Claimant. The arbitrator will review the submitted questions and lines of inquiry and will, in the arbitrator's discretion, determine which are appropriate and relevant based on the understanding of the matter and to ensure the arbitrator's ability to render a decision in the matter. The arbitrator also may ask such other questions which the arbitrator deems appropriate.
3. If the arbitrator has been the sole questioner of the Claimant, then after the arbitrator's direct questioning of the Claimant is completed, the

witness will be temporarily excluded from the hearing so that the arbitrator can discuss with each of the parties separately appropriate follow-up questions or supplemental lines of inquiry for the arbitrator to consider. The arbitrator will ask follow-up questions of the witness that the arbitrator deems appropriate.

4. The parties may question all other witnesses directly, provided that the arbitrator shall have the authority to limit questioning of witnesses or lines of inquiry based on, without limitation, relevance, that the questioning is cumulative, the age or mental capacity of the witness, or that the questioning has become harassing or abusive.
5. Examining Minors – the presumption is that a Minor will not testify live at a hearing; however, with the permission of the Minor's parents or guardians (or in extraordinary circumstances, without such permission), the Minor may testify if so desired.

The arbitrator shall determine the manner in which Minor's evidence shall be given, including whether any or all questioning of the Minor (live or via video) will be completed outside the presence of their parent(s) or guardian(s), bearing in mind (a) the objective of achieving a fair hearing, (b) the possible damage to a Minor's welfare from giving evidence, and (c) the possible advantages that the Minor's evidence will bring to determining the facts.

A Minor may only be asked to testify in exceptional circumstances as determined by the arbitrator. In making this decision, the arbitrator shall consider:

- a. the Minor's wishes and feelings, in particular, the Minor's willingness to give evidence (an unwilling Minor should rarely, if ever, be obligated to give evidence);
- b. the Minor's particular needs and abilities;
- c. whether the case depends on the Minor's allegations alone;
- d. corroborative evidence;
- e. the age of the Minor;
- f. the maturity, vulnerability, understanding, capacity and competence of the Minor;
- g. whether a matter can be properly adjudicated without further questioning of the Minor;
- h. the wishes and views of any parent, person with parental responsibility for the Minor, or any guardian, if appropriate; and
- i. whether the Minor has given evidence to another tribunal or court related to the subject matter of the proceeding, the way in which such evidence was given, and the availability of that evidence.

e. Role of the Claimant

The Claimant is not a party, but has the right to be present during the hearing and to give testimony as a

witness if called, but shall not otherwise participate in the hearing.

f. Closing statements

Each party will be entitled to present a concise closing statement after the close of evidence and before the hearing is concluded. The Center will present its closing statement first, followed by the Respondent, and the Center will be allowed time for a reply.

g. Hearing closed to the public

The hearing shall be closed to the public.

i. No disclosure of information

All information obtained by the Center, Respondent or the Claimant during the arbitration, including the arbitral decision, shall be deemed confidential not to be disclosed outside of the Center's process except as expressly provided herein.

ii. Recording

At the request of any party or the arbitrator, hearings shall be recorded by the arbitration body and retained by the Center in its confidential files, but shall not be made available to any party or third party except as determined by the Center or any lawful order of a Court. The requesting party is responsible for arranging and paying for the recording.

h. Closing of Hearing

- i. After all evidence has been submitted at the hearing, the arbitrator shall specifically inquire of each party whether it has any further evidence to offer or witnesses to be heard. Unless the arbitrator determines that additional evidence or witness(es) are required to resolve the controversy, the arbitrator will declare the hearing closed.
- ii. There shall be no post-hearing briefing ordered except in exceptional circumstances. If documents or responses are to be filed as directed by the arbitrator, or if briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs.

29. Waiver of Rules

Any party who proceeds with the arbitration after knowledge that any provision or requirement of these Rules has not been complied with and who fails to promptly state an objection in writing shall be deemed to have waived the right to object to such noncompliance.

30. Extensions of Time

For good cause shown, the arbitrator may extend any period of time established by these Rules, except the time for making the decision, keeping in mind the need to resolve these disputes expeditiously; the unavailability of an advisor—after an arbitrator's efforts to reasonably accommodate the advisor's schedule—shall not be

considered good cause except in exceptional circumstances. The arbitrator shall notify the parties of any extension.

31. Notice and Receipt

The parties each must provide an email address to the arbitration body and opposing parties/advisors upon initiation of an arbitration under the Rules. Notice sent to that email address shall be considered actual notice to the party effective upon delivery.

32. Decisions

a. Time

The reasoned decision shall be made promptly by the arbitrator after the close of evidence, and, unless otherwise agreed by the parties or specified by law, no later than seven Days from the date of close of the evidence or any briefing ordered by the arbitrator. To allow the Center sufficient time to arrange to share the outcome with the Claimant(s), the arbitration body will initially transmit the decision to the Center. Four hours later, the Center shall share the outcome with the Claimant(s) and the arbitration body shall transmit the decision to the Respondent(s).

b. Form

In all cases, the arbitrator shall render a written, reasoned final decision, which shall be signed by the arbitrator. All identifying information of the Claimant (including name), and witnesses (other

than the Respondent) shall be redacted. If the arbitrator determines that there has been no violation, then the Respondent may request that the arbitrator redact their name or identifying information in the final decision.

c. Scope

The arbitrator may grant such remedy or relief the arbitrator deems just and equitable and within the scope of the Code and the Sanctioning Guidelines.

d. Delivery to parties

The final decision shall be deemed delivered to the parties if transmitted as provided in these Rules.

33. Modifying Decision

Within three Days after the transmittal of the arbitrator's final decision, any party, upon notice to the other parties, may request the arbitrator, through the arbitration body, only to correct any clerical, typographical, or computational errors in the decision. The arbitrator is not empowered to re-determine the merits of any matter already decided. The other parties shall be given two Days to respond to the request. The arbitrator shall dispose of the request within two Days after transmittal by the arbitration body to the arbitrator of the request and any response thereto.

34. No Appeal

The arbitration decision shall be considered final and binding. The parties waive, to the fullest extent

permissible by law, any right to challenge in court the arbitrator's decision.

35. Filing Fees and Expenses

- a. The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable.
- b. Initiating arbitration
 - i. Arbitration fees and expenses

The Respondent shall pay a full deposit for all fees and expenses associated with the arbitration as set forth in Exhibit 1. If, within 30 calendar days of the request for arbitration, the Respondent fails to provide the deposit, the Center or the arbitration body will issue a notice of failure to pay. If payment is not made within five Days after the notice of failure to pay is issued, or an extension is not granted, then the opportunity to request arbitration lapses and the Decision is final.

- ii. Hardship exemption

Respondents may, at the discretion of the Center, obtain a hardship exemption from payment of some of these fees through written certification that they have insufficient funds to cover arbitration.

36. Other Fees and Expenses

The expenses of witnesses for any party shall be paid by the party producing such witnesses. Parties shall be responsible for their own advisor's fees and costs, and all other expenses not expressly assumed by the Center. A party who successfully seeks a continuance shall pay a continuance fee as set forth in Exhibit 1.

37. Arbitrator's Compensation

Arbitrators shall be compensated at the rates set forth in the arbitration fee schedule (Exhibit 1).

If there is disagreement concerning the terms of compensation, an appropriate rate shall be established with the arbitrator and the arbitration body, and confirmed to the parties. Any arrangement for the compensation of an arbitrator shall be made through the arbitration body and not directly between the parties and the arbitrator.

38. Allocating Fees and Expenses

The arbitrator shall, in the final reasoned decision, allocate fees and expenses as follows:

- a. If a violation is not found, the Center shall reimburse the Respondent for all arbitration fees and expenses paid to the arbitration body, pursuant to Exhibit 1, below.
- b. If the case involves multiple violations, and the arbitrator modifies some violations but not all, the

arbitrator has the discretion to allocate the fees and expenses paid to the arbitration body.

- c. If, in a sanctions-only hearing, the sanction is reduced the arbitrator may reapportion responsibility for all arbitration fees and expenses paid to the arbitration body between the Center and the Respondent.

39. Interpreting and Applying These Rules

The arbitrator shall interpret and apply these Rules insofar as they relate to the arbitrator's powers and duties.

40. Temporary Measures

The following Rules govern Temporary Measures hearings.

a. Timing

At any time after Notice of a Temporary Measure, when those temporary measures materially affect the opportunity to participate (e.g., suspension), Respondent may request a hearing which shall take place no later than 72 hours after the Respondent submits the required fees or at such time as the parties otherwise agree.

b. Arbitrator

If the Center imposes or seeks to impose Temporary Measures before the appointment of a merits

arbitrator on a Decision, then a special arbitrator will be appointed by the arbitration body solely to conduct the Temporary Measures hearing. This special arbitrator shall not be considered for appointment to review a final Decision. If the Center imposes or seeks to impose Temporary Measures after the appointment of an arbitrator for review of a Decision, then the appointed arbitrator shall conduct the Temporary Measures hearing.

c. Filing fees and expenses

The arbitration body shall prescribe filing and other administrative fees and expenses to compensate it for the cost of providing services. The fees in effect when the fee or charge is incurred shall be applicable. The Center shall pay a deposit for 2/3 of the fees and expenses and the Respondent shall pay 1/3 of the fees and expenses associated with a Temporary Measures arbitration as set forth in Exhibit 1. The Respondent shall not be responsible for filing fees if qualifying for a Hardship Exemption.

d. Procedures

i. Expedited proceedings

The Temporary Measures hearing is an expedited proceeding to quickly resolve whether sufficient evidence exists to satisfy the arbitrator that the temporary relief requested is appropriate based on the known facts and circumstances of the case at the time of the hearing. The Temporary Measures hearing is not intended to

be the hearing necessary to finally resolve whether the Respondent has committed a violation or what the appropriate sanctions should be if a violation is found to have occurred.

ii. Pre-hearing Conference

The arbitrator shall hold a brief pre-hearing conference solely to address scheduling of the hearing.

iii. Position Statements

The Center and Respondent may each submit a position statement of no more than five pages setting forth the basis for their respective positions. Each party may also present such evidence as it deems necessary. The position statement may also address jurisdictional objections or allegations that the Center failed to follow its procedures. All other issues and objections, if any, are reserved and preserved for a hearing on the final Decision.

iv. Length of Hearing

Except in exceptional circumstances, the Temporary Measures hearing will last no longer than two hours.

e. Standard of review

To affirm Temporary Measures, the arbitrator must find based on the evidence presented, that: (i) the measure is reasonably appropriate based on the seriousness of the allegations and the facts and

circumstances of the case; (ii) the measure is reasonably appropriate to maintain the safety or well-being of the Claimant, other Athletes, or the sport community; or (iii) the allegations against the Respondent are sufficiently serious that the Respondent's continued participation in the sport could be detrimental to the best interest of sport and those who participate in it. In all cases, there shall be a rebuttable presumption that the allegations, as presented, are true. When the allegations involve child sexual abuse, the age of those allegations is not relevant to this determination.

f. Decision

The arbitrator may approve, reject, or modify the Temporary Measures imposed or proposed by the Center. The arbitrator shall issue a decision regarding the Center's request for Temporary Measures either orally at the conclusion of the hearing, with a written reasoned order to follow, or by a written reasoned decision issued within 24 hours of the close of the Temporary Measures hearing. The decision is inadmissible and shall be given no weight in an arbitration on the final Decision, if any.

g. No appeal

Neither the Center nor the Respondent may appeal the arbitrator's decision. The denial of the requested relief shall not, however, prejudice the Center's right to seek Temporary Measures in the same case in the future based on information or evidence not

previously in the Center's possession. In such cases, the Respondent will be offered another hearing.

Exhibit 1

JAMS ARBITRATION FEES

The arbitration body for U.S. Olympic and Paralympic SafeSport Arbitrations is JAMS, www.jamsadr.com. Applicable arbitration fees are as stated, effective March 3, 2018.

\$5,200.00 Single arbitrator

\$1,500.00 Single arbitrator, temporary measures hearing

- A deposit for the full price of JAMS fees and neutral rates is due at the time an Arbitration is requested. An amount of \$1,600 for single arbitrator matters is non-refundable. An amount of \$500 for single arbitrator, temporary measures hearings, is non-refundable.
- Applicable arbitrator travel costs will be charged.
- The above fees exclude usage of facilities. If a JAMS facility is used, a room rental fee not to exceed \$300/day will be charged.

CANCELLATION/CONTINUANCE POLICY

<i>Cancellation/Continuance period</i>	<i>Fee</i>
14 or more calendar days prior to hearing	<ul style="list-style-type: none">• Arbitration, single arbitrator, \$3,600 is refundable• Temporary Measures Hearing, non-refundable

- Hearing fees are non-refundable if time scheduled (or a portion thereof) is cancelled or continued after the cancellation date. The cancellation policy exists because time reserved and later cancelled generally cannot be replaced. In all cases involving non-refundable time, the party requesting the hearing is responsible for the fees of all parties.
- JAMS reserves the right to cancel the hearing if fees are not paid as required by the applicable cancellation date and JAMS confirms the cancellation in writing.

Exhibit 2
SafeSport Arbitrator Qualifications

INDEPENDENCE

Each arbitrator shall be independent. An arbitrator is “independent” if (a) the individual has no current, material affiliation or relationship, directly or indirectly, with the United States Center for SafeSport, the United States Olympic Committee (USOPC), any National Governing Body (NGB), any Paralympic Sports Organization (PSO), the Athletes Advisory Council of the USOPC (AAC), or any other affiliated organization such as an Olympic Training Center or designated partner, and (b) such person is free of any direct or indirect relationships that create an actual or perceived conflict of interest that could reasonably be expected to interfere with the exercise of independent judgment of such person. Before an arbitrator may be selected for the JAMS SafeSport Panel, the individual shall disclose any potential conflicts of interests to JAMS.

KNOWLEDGE

In addition to independence, arbitrators shall have a demonstrated working knowledge of sexual assault, domestic violence, child sexual abuse, grooming, trust dynamics, and trauma-informed questioning/forensic interviewing protocol. Experience involving emotional, physical and sexual misconduct in sport is strongly preferred.

WORKING EXPERIENCE

Arbitrators shall have experience working in at least one of the following areas:

- In criminal law as a judge, district attorney, or defense attorney, with specific experience in sexual misconduct
- Law enforcement, with specific experience in sexual misconduct
- As a social worker
- A Title IX coordinator or investigator
- As a guardian *ad litem*, or
- Other comparable working experience.

APPENDIX 2

USA WATERPOLO, INC. MINOR ABUSE PREVENTION POLICIES



**USA WATER POLO, INC.
MINOR ATHLETE ABUSE PREVENTION POLICIES**

I. **INTRODUCTION**

On February 14, 2018, the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (the “Act”) became federal law. Among other things, the Act designated the United States Center for Safe Sport (the “**Center**”) as the national safe sport organization and authorized the Center to exercise jurisdiction over all national governing bodies to safeguard amateur athletes against emotional, physical, and sexual abuse in sports. Pursuant to that authority, the Center has required USA Water Polo, Inc., the national governing body for the sport of water polo in the United States, (“**USA WP**”) to adopt policies and procedures applicable to USAWP and its local affiliated organizations (as defined by the Center, but which includes all USAWP member clubs) designed to prevent the abuse of USAWP athlete members who are minors. Those policies and procedures are set forth below and apply to all **Participating Adults** (as defined below, including all USAWP members) and to all USAWP local affiliated organizations, including USAWP member clubs and the members and employees of such clubs.

II. **POLICIES AND PROCEDURES**

A. Definitions

1. **“Adult”** means a person who is eighteen (18) years of age or older.
2. **“Center”** means the U. S. Center for Safe Sport.
3. **“Electronic Communication”** means any form of electronic communication including, but not limited to: (a) telephone conversations, (b) e-mails, (c) text messages, (d) postings on internet sites, (e) direct messaging, (f) group messaging platforms and (g) postings on social media sites, such as Facebook and Twitter.
4. **“Events”** means: (a) practices, (b) competitions, (c) travel and lodging in connection with practices and competitions, (d) health and medical treatment provided by or at the behest of USAWP or a LAO and (e) travel in connection with health and medical treatment provided by or at the behest of USAWP or a LAO.
5. **“Family Member”** means a parent, sibling, uncle, aunt, first cousin, grandparent, great-grandparent or legal guardian of a Minor Athlete, and a member of the household of a legal guardian of a Minor Athlete.
6. **“Jurisdiction”** means authority or control over a facility at which a practice or competition is held, or at which an athlete is housed while traveling to participate in a practice or competition.
7. **“LAO”** means a local affiliated organization as defined by the Center, i.e., a regional, state, or local club or organization that is affiliated, directly or indirectly, with USAWP, such as by being a member of USAWP, including, but not limited to, USAWP member clubs.

8. **“Local Travel”** means travel to Events at which athletes will not be absent from their usual place of residence for at least one night. For the avoidance of doubt, Local Travel does not include travel from a hotel or other accommodation, other than an athlete’s principal place of residence, to an Event.
9. **“Minor Athlete”** means an athlete member of USAWP who is seventeen (17) years of age or younger.
10. **“Minor Training”** means the Center’s training offered to Minor Athletes.
11. **“Participating Adult”** means each of: (a) Adult members who have Regular Contact with Minor Athletes; (b) Adults authorized by USAWP to have: (i) Regular Contact with Minor Athletes or (ii) authority over one or more Minor Athletes; (c) Adult members at a facility either partially or entirely under the jurisdiction of USAWP or a LAO; and (d) USAWP Staff and Board Members.
12. **“Refresher Training”** means the Center’s online refresher training course or the Center’s approved in-person designated refresher training course, as the same may be in effect from time to time.
13. **“Regular Contact with Minor Athletes”** means frequent, recurring contact between an Adult and one or more Minor Athletes, other than Family Members of the Minor Athlete. A person with supervisory or decision-making authority over an Adult who has frequent, recurring contact with one or more Minor Athletes, other than Family Members of the Minor Athlete, is deemed to have Regular Contact with Minor Athletes. Adults having Regular Contact with Minor Athletes include, but are not limited to, coaches, USAWP and LAO administrative staff, USAWP medical professionals, officials and Adult athletes who regularly participate in Events with Minor Athletes.
14. **“Team Travel”** means travel involving a Minor Athlete in conjunction with an Event, other than Local Travel.
15. **“Therapeutic Modalities”** means icing, massaging, rubbing down, electric stimulation of muscles and nerves, ultra sound and other, similar, athletic training and therapeutic modalities.
16. **“Training”** means the Center’s Core SafeSport training, as the same may be in effect from time to time.
17. **“USAWP”** means United States Water Polo, Inc.

B. Consents and Notices

1. **USAWP.** Where these policies require that a notice or consent be provided to USAWP, the notice or consent should be sent via e-mail to:
maapp@usawaterpolo.org.

2. **LAO.** Where these policies require that a notice or consent be provided to LAO, the notice or consent should be provided to the LAO's administrator.

C. Training and Background Checks

1. Adults

- a. Commencing March 23, 2019, all Participating Adults must complete Training before commencing Regular Contact with Minor Athletes.
- b. In order to register as a coach or referee member of USAWP, or club administrator, for the 2019 calendar year and thereafter, an Adult must have completed Training.
- c. Commencing December 31, 2019, all Participating Adults who have completed Training more than six (6) months prior to the commencement of the forthcoming calendar year must complete Refresher Training.
- d. In order to register as a coach, referee, club administrator, or participating member of USAWP for the 2020 calendar year and thereafter, an Adult who has completed Training more than six (6) months prior to the commencement of the forthcoming calendar year must complete Refresher Training.

2. Minors

- a. USAWP will offer Minor Training annually to its Minor Athletes by making the Center's Minor Training materials available to all Minor Athlete members of USAWP through a link on USAWP's website and, on an annual basis coincident with each Minor Athlete's renewal of that Minor Athlete's membership, advise the Minor Athlete and the Minor Athlete's parents or legal guardians of the availability of the Center's Minor Training
- b. In 2019, once the Center's Minor Training becomes available, USAWP will send a separate notice regarding the availability of the Center's Minor Training to those Minor Athletes who renewed their membership for 2019 prior to the date upon which the Center's Minor Training becomes available.
- c. Minor Athletes are required to obtain the consent of their parents or legal guardians prior to engaging in Minor Training.

3. Exemptions

- a. Exemptions from the training requirements set forth in parts II.C.1 and II.C.2 of this policy may be made on a case by case basis for victims/survivors by the Center.

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- b. Requests for exemptions may be made directly to the Center at ngbervices@safesport.org or to USAWP via e-mail at csicard@usawaterpolo.org. Requests for exemptions made to USAWP will be forwarded to the Center for its consideration.

D. Limiting One-on-One Contact with Minor Athletes

1. This policy applies to all Adults at a facility either partially or entirely under the Jurisdiction of USAWP or a LAO.

2. One-on-One Contacts

- a. Except as provided below, one-on-one interactions between Minor Athletes and Adults, other than Family Members of the Minor Athlete, at a facility either partially or entirely under the jurisdiction of USAWP or a LAO are prohibited unless they are easily observable and at a distance from another Adult such that the interaction is easily interruptible by that Adult.
- b. One-on-one interactions between Minor Athletes and Adults at facilities either partially or entirely under the jurisdiction of USAWP or a LAO, other than those that are easily observable and at a distance from another Adult such that the interaction is easily interruptible by that Adult, are permitted as follows:
 - (1) in emergency circumstances; and
 - (2) with mental health care and health care professionals, provided that, if the one-on-one contact between a mental health care or health care professional and a Minor Athlete occurs in a room with a closed door in order to protect patient privacy: (a) the door must remain unlocked, (b) another Adult must be present at the facility where the one-on-one contact occurs, (c) the other Adult is advised that the closed door contact is occurring and (d) the Minor Athlete's parent or legal guardian has first provided written consent to the one-on-one contact and a copy of that consent has been provided to USAWP and the Minor Athlete's LAO in advance of the one-on-one contact.

3. Meetings

- a. Except as provided below, meetings between Minor Athletes and Adults, other than Family Members of the Minor Athlete, at a facility partially or entirely under the jurisdiction of USAWP or a LAO are prohibited unless they are easily observable by another Adult and at a distance from that other Adult such that the meeting is easily interruptible by that other Adult.

- b. If a meeting between a Minor Athlete and an Adult, other than a Family Member of the Minor Athlete, occurs in an office or other indoor facility partially or entirely under the jurisdiction of USAWP or a LAO, the door to the office or facility must remain open and unlocked. If available, the meeting should occur in an office or facility that has windows, with any blinds or curtains over those windows remaining open during the meeting.
- c. Meetings between a Minor Athlete and an Adult, other than a Family Member of the Minor Athlete, other than as described above may occur under emergency circumstances.
- d. A licensed Adult mental health care professional may meet with a Minor Athlete at a facility partially or entirely under the jurisdiction of USAWP or a LAO other than as provided above, provided that: (i) the door to any room in which the meeting occurs remains unlocked, (ii) another Adult is present at the facility, (iii) the other Adult at the facility is advised that the meeting is taking place in advance of the commencement of the meeting and (iv) USAWP or the LAO, as applicable, receives a written consent to the meeting signed by the Minor Athlete's parent or legal guardian in advance of the meeting.
- e. A Participating Adult who is competing on the same team as a Minor Athlete may meet with a Minor Athlete on that Participating Adult's team at a facility partially or entirely under the jurisdiction of USA Water Polo or a LAO without another Adult present provided that: (i) the meeting takes place in an open location, such as a pool deck, or, if in an office or other room, if: (x) the door to the office or room remains unlocked, (y) any blinds, curtains or other coverings over any windows or other openings to the room remain open and (z) there are at least two participants in the meeting, in addition to the Participating Adult and the Minor Athlete (such other participants may be Minor Athletes, provided that such Minor Athletes are also competing on the same team as the Participating Adult); and (ii) the Minor Athlete is at least 15 years of age.

4. Individual Training Sessions

- a. Except as provided below, an Adult, other than a Family Member of the Minor Athlete, may not conduct an individual training session with a Minor Athlete.
- b. All individual training sessions conducted with a Minor Athlete by an Adult other than the Minor Athlete's Family Member must be conducted such that the training session is observable by another Adult and at a distance from that other Adult such that the training session is easily interruptible by that other Adult.
- c. Prior to the commencement of the individual training session, the Adult

conducting the individual training session must obtain written permission to conduct the training session from the Minor Athlete's parent or legal guardian and provide the written permission to USAWP or the LAO with which the Minor Athlete is affiliated. Such written permission may cover more than one training session, but may not extend for a period greater than six months.

- d. Family Members, legal guardians and other caretakers must be allowed to observe the training session.

5. **General Provisions**

- a. All one-on-one interactions between Adults and Minor Athletes must be subject to monitoring by other Adults at the facility at which the one-on-one interaction is taking place. Monitoring includes: (i) ensuring that the Adult engaging in the one-on-one interaction informs the other Adults at the facility that the interaction is taking place in advance of the commencement of the interaction and the anticipated duration of the interaction and (ii) other Adults at the facility randomly dropping in during the interaction.
- b. Out of program contacts between Minor Athletes and Participating Adults other than Family Members of the Minor Athlete, such as interactions at the Participating Adult's home, restaurants and individual transportation are strongly discouraged.

E. **Therapeutic Modalities**

1. The following policies apply to interactions between Adults and Minor Athletes while the Minor Athletes are undergoing Therapeutic Modalities and, to the extent inconsistent with USAWP policies regarding One-on-One Contacts with Minor Athletes described at Section II.D above, shall control while a Minor Athlete is undergoing a Therapeutic Modality.
2. Therapeutic Modalities shall be conducted in locations where the administration of the Therapeutic Modality can be easily observed and at an interruptible distance from an Adult other than the Adult administering the Therapeutic Modality.
3. If a Therapeutic Modality is administered to a Minor Athlete in a room, there must be another Adult in the room.

F. **Locker Rooms and Changing Areas**

1. An Adult should not be present alone with a Minor Athlete in a locker room or changing area except as follows:
 - a. In emergencies;

- b. If the Adult is a Family Member of the Minor Athlete; or
 - c. If the Adult is an athlete who competed in the same event as the Minor Athlete, the Minor Athlete is at least 15 years of age and, except for athletes selected to represent, or to train to represent, the United States in international competition, there is no more than a 5 year age difference between the Adult and the Minor Athlete.
- 2. Other than as explicitly provided in this policy, the use of voice recording devices, still cameras and video cameras in locker rooms or changing areas where Minor Athletes are present is prohibited.
 - a. Provided that USAWP or the LAO using the locker room or changing area grants prior written approval for the use of voice recording devices, still cameras or video cameras, and all Minor Athletes occupying the locker room or changing area are clothed, members of the media may use such devices in a locker room or changing area.
 - b. Provided that USAWP or the LAO using the locker room or changing area grants prior written approval for the use of voice recording devices, still cameras or video cameras, there are at least two Adults present and all Minor Athletes occupying the locker room or changing area are clothed, such devices may be used in a locker room or changing area to record victory celebrations.
- 3. Except as provided below, an Adult should not be undressed or intentionally expose his or her buttocks, groin or genitals in front of a Minor Athlete. Except as provided below, under no circumstances shall an Adult female intentionally expose her breasts in front of a Minor Athlete.
 - a. If a USAWP coach member or other Participating Adult has entered the water during an Event such that the coach member or Participating Adult desires to shower and/or change clothes following the Event, the coach member or other Participating Adult shall wait until all Minor Athletes have exited the locker room or changing area before undressing.
 - b. This policy does not apply to a Participating Adult who satisfies each of the following criteria:
 - (1) The Participating Adult was competing as an athlete in the same Event as the Minor Athlete;
 - (2) All Minor Athletes are at least 15 years of age;
 - (3) Other than athletes competing or training on a team selected to represent the United States in international competition, the age differential between the Participating Adult and the Minor Athlete is less than five years.

- c. This Policy does not apply to Family Members, other than at facilities partially or entirely under the jurisdiction of USAWP or a LAO.
- 4. USAWP and all USAWP LAOs shall regularly and randomly endeavor to monitor the use of locker rooms and changing areas to ensure compliance with these policies. Such efforts shall include, but not be limited to, being aware of a Minor Athlete leaving a practice or competition for a locker room or changing area and of the Minor Athlete's failure to timely return to the practice or competition.
- 5. USAWP and all USAWP LAOs shall discourage Family Members (other than Adults designated by USAWP or a LAO to supervise a locker room or changing area) from entering locker rooms and changing areas absent a particularized need to do so under unusual circumstances or in the event that the locker room or changing area is the only public rest room available at the facility. Should it become necessary for a Family Member (other than Adults designated by USAWP or a LAO to supervise a locker room or changing area) to enter a locker room or changing area, the Family Member must notify the Minor Athlete's coach or club administrator of the Family Member's intent to enter the locker room or changing area in advance and the Family Member entering the locker room or changing area and the Family Member must be of the same sex as the Minor Athlete.

G. Social Media and Electronic Communications with Minor Athletes

- 1. This policy applies to all Electronic Communications between a Participating Adult and one or more Minor Athletes, including communications through social media, other than: (a) communications between a Participating Adult who is a Family Member of the Minor Athlete with whom the Participating Adult is communicating and (b) communications between a Participating Adult and a Minor Athlete in which each of the following are satisfied: (i) the Minor Athlete is 15 years of age or older, (ii) there is no more than a five (5) year age differential between the Participating Adult and the Minor Athlete and (iii) the Participating Adult is not in a position of authority over the Minor Athlete.
- 2. All Electronic Communications between Participating Adults and Minor Athletes must be professional in nature and for the purpose of communicating information about team or individual sport-related activities.
- 3. All Electronic Communications between a Participating Adult and a Minor Athlete (including responding to communications initiated by the Minor Athlete) must include copies to either: (a) at least one of the Minor Athlete's parents or legal guardians or (b) the entire team of which the Minor Athlete is a party and at least one other Participating Adult. For purposes of this policy, the posting of an electronic communication on a website or social media site in a manner in which the posting may be viewed by the Minor Athlete's parents or legal guardians or the entire team of which the Minor Athlete is a member is deemed to constitute

the furnishing of a copy of the Electronic Communication to the persons with access to the website or social media site.

4. Adults who have Regular Contact with Minors, other than Family Members of the Minor, may not permit Minor Athletes to join their personal social media page, unless their personal social media page is accessible to all members of the public. For the avoidance of doubt, this policy does not prohibit Minor Athletes from joining the social media page of the USAWP club to which they belong, even if that social media page is only accessible to club members.
5. Upon request by a parent or legal guardian of a Minor Athlete, an Adult must cease to have any Electronic Communications with the Minor Athlete.
6. USAWP and all USAWP LAOs shall monitor their social media pages and remove any posts that violate their internal policies or these policies.
7. USAWP and all USAWP LAOs shall inform the parents or legal guardians of any Minor Athlete of any violations of this policy as to that Minor Athlete of which they are aware.
8. USAWP will inform the USAWP LAO of a Minor Athlete who receives communications that violate this policy of which it is aware.

H. Travel

1. Local Travel

- a. Except as provided below, neither USAWP nor any LAO may provide Local Travel to Events.
 - (1) USAWP and any LAO may coordinate the provision of Local Travel to Events by third parties, such as by assisting with arranging car pools by Adults affiliated with a LAO.
 - (2) USAWP may provide Local Travel for teams representing the United States at Events.
 - (3) USAWP may provide Local Travel for teams representing a USAWP Zone at Events.
 - (4) USAWP may provide Local Travel for teams participating at USAWP Zone Events.
- b. Absent emergency circumstances or with advance written permission from a Minor Athlete's parent or legal guardian, Participating Adults (other than Family Members) shall not ride in a vehicle alone with a Minor Athlete. For the avoidance of doubt, a Minor Athlete's parent or legal guardian may provide written permission for a Minor Athlete to ride alone

in a vehicle with a Participating Adult over a period of time not exceeding one year and need not provide a separate written permission for each instance of Local Travel. As used in this policy, a written permission must include the name of the Participating Adult receiving the permission, the name of the Minor Athlete to whom the permission pertains, the period of time covered by the permission and a brief description of the travel to which the permission pertains. A copy of the written permission must be provided to the Minor Athlete's LAO.

- c. Adults who are Family Members of a Minor Athlete and who are driving Minor Athletes in any shared or carpool Local Travel should be encouraged to pick up the Minor Athlete of whom they are Family Members first and to drop off that Minor Athlete last so as to avoid driving alone with a Minor Athlete of whom they are not a Family Member.

2. **Team Travel**

- a. When only one Minor Athlete and one Participating Adult (other than a Family Member) are engaged in Team Travel, the Minor Athlete must have prior written permission from the Minor Athlete's parent or legal guardian in order to engage in the Team Travel.
- b. Participating Adults (other than a Family Member) shall not share a hotel room or other sleeping arrangement with a Minor Athlete; provided that a Participating Adult may share a hotel room or other sleeping arrangement with a Minor Athlete if the parent or legal guardian of the Minor Athlete has provided advance written consent to that arrangement to the Minor Athlete's LAO or USAWP.
- c. Meetings between Participating Adults (other than a Family Member) and a Minor Athlete while engaging in Team Travel shall be conducted in accordance with the above policies regarding Meetings (section II.D.3 above) and shall not be conducted in a hotel sleeping room. For the avoidance of doubt, meetings held in accordance with the above policies regarding Meetings (section II.D.3) may be conducted in hotel conference rooms, hotel lobbies and similar public places.
- d. Prior to engaging in Team Travel in which a Minor Athlete is not accompanied by a parent or legal guardian of the Minor Athlete, the Minor Athlete must have written permission from the Minor Athlete's parent or legal guardian.

I. **Reporting Violations and Sanctions**

- 1. All USAWP members are required to report in writing any suspected violation of the foregoing policies to USAWP within twenty-four (24) hours of such violation coming to the attention of the USAWP member.

2. All violations of the SafeSport Code for the U.S. Olympic and Paralympic Movements (the “**Code**”), as the Code may be amended from time to time, involving sexual misconduct (as defined in the Code) must be reported to the Center through the Center’s website (www.safesport.org) or by calling the Center at 720.531.0340. Although the Center has exclusive jurisdiction over reports of alleged sexual misconduct, such reports may also be made to USAWP, which will then forward the report to the Center.
3. The reports to USAWP required by this Policy may be made via e-mail or United States Mail to:

Mai Lam
USA Water Polo, Inc.
6 Morgan, Suite 150
Irvine, CA 92618
E-mail: mlam@usawaterpolo.org

4. Retaliation against a person who reports a violation of these policies, or who is a victim of a violation of these policies, is prohibited and constitutes a serious violation of these policies.
5. All USAWP members are required to cooperate with any investigation concerning any alleged violation of these policies, including providing testimony at any hearing concerning any alleged violation of these policies.
6. Violation of these policies by a USAWP member or a LAO, including the failure of a USAWP member or LAO to report suspected violations of these policies, may subject the violator to sanctions, including: (a) the completion of required education or training courses, (b) probation or (c) suspension or permanent termination of an individual’s or club’s membership in USAWP.

APPENDIX 3

RETURN TO COMPETITION CERTIFICATE

HEAD INJURIES

CERTIFICATE

I, _____, hereby certify as follows:

1. I am a licensed health care provider that has had training in the evaluation and management of concussions. I am executing this certificate within the scope of my practice.
2. I am familiar with California Health and Safety Code § 124235(a)(1)(A), which provides, in pertinent part, that:

An athlete who is suspected of sustaining a concussion or other head injury in an athletic activity shall be immediately removed from the athletic activity for the remainder of the day, and shall not be permitted to return to any athletic activity until he or she is evaluated by a licensed health care provider. The athlete shall not be permitted to return to athletic activity until he or she receives written clearance to return to athletic activity from a licensed health care provider. If the licensed health care provider determines that the athlete sustained a concussion or other head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider.

3. I hereby provide written clearance for _____ (“Athlete”) to return to athletic activity as required by § 124235(a)(1)(A).
4. To the extent necessary, I have received permission from Athlete and, if Athlete is a minor, from Athlete’s parent or guardian, to disclose the matters referenced above to USA Water Polo, Inc., the water polo club with which Athlete is affiliated and to the coaches and administrators of that club.

Dated: _____

APPENDIX 4

RETURN TO COMPETITION CERTIFICATE

SUSPECTED CARDIAC CONDITION

CERTIFICATE

I, _____, hereby certify as follows:

1. I am a licensed health care provider that has had training in the evaluation and management of cardiac conditions. I am executing this certificate within the scope of my practice.
2. I am familiar with California Health and Safety Code § 124235(a)(1)(B), which provides, in pertinent part, that:

If the licensed provider suspects that the athlete has a cardiac condition that puts the athlete at risk for sudden cardiac arrest or other heart related issues, the athlete shall remain under the care of the licensed healthcare provider to pursue followup testing until the athlete is cleared to play.

3. I hereby provide written clearance for _____ (“Athlete”) to return to athletic activity as required by § 124235(a)(1)(B).
4. To the extent necessary, I have received permission from Athlete and, if Athlete is a minor, from Athlete’s parent or guardian, to disclose the matters referenced above to USA Water Polo, Inc., the water polo club with which Athlete is affiliated and to the coaches and administrators of that club.

Dated: _____

APPENDIX 5

BACKGROUND SCREENING

CRITERIA

Background Screening Criteria

A reportable record or disclosure that contains a disposition or resolution of a criminal proceeding, other than an adjudication of not guilty, or pending charges involving, any of the below criminal offenses will be flagged as a Red Light, meaning it does not meet the initial screening criteria established by USA Water Polo. Individuals receiving a Red Light may seek a waiver of the requirement that certain classes of members pass a background screen in accordance with USA Water Polo's policies.

1. Any felony, defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction, including, if the crime is punishable by a range of sentences or indeterminate sentencing, if the range of potential sentences includes sentences with an outer range greater than one year.
2. Any misdemeanor involving:
 - (a) Sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;
 - (b) Any drug related offenses;
 - (c) Harm to a minor or vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
 - (d) Violence against a person, force, or threat of force (including crimes involving a deadly weapon and domestic violence);
 - (e) Stalking, harassment, blackmail, violation of a protection order, and/or threats;
 - (f) Destruction of property, including arson, vandalism, and criminal mischief;
 - (g) Animal abuse, cruelty, or neglect;
 - (h) Two or more alcohol related offenses; or
 - (i) Any alcohol related offense within the past seven (7) years.