

ATHLETE SAFETY HEARING



What is an Athlete Safety Hearing?

An athlete safety hearing addresses allegations of a violation of the USOPC Athlete Safety Policy that does not fall under the jurisdiction of the U.S. Center for SafeSport (USCSS), which includes physical and emotional misconduct claims. The participant* alleged to have engaged in misconduct may request a hearing when a temporary measure affecting participation is imposed and/or on the merits of the underlying allegations.

*A "participant" is defined in the SafeSport Code and applies only to those individuals that fall under the USOPC's jurisdiction.

Dispute Resolution Unit (DRU) Support

-  **General Administration**
-  **Acknowledgement of Request**
-  **Hearing Panel Education**
-  **Hearing Panel Support**
-  **Communication with Parties**
-  **Case Management & Logistics**
-  **Arbitration Support**

Authority & Governance



Ted Stevens Olympic & Amateur Sports Act (the Act): Designates the U.S. Center for SafeSport (USCSS) as the independent national organization to address allegations of misconduct in sport with specific jurisdiction over the USOPC and all NGBs. (Section 220541)



U.S. Center for SafeSport Code: Requires that the USOPC will set forth adjudicating procedures to any allegation of misconduct not within jurisdiction of the USCSS and involves USOPC participants.



USOPC Athlete Safety Policy: Sets forth adjudication procedures that govern allegations under the USOPC's jurisdiction.

ADDITIONAL RESOURCES

- ★ [U.S. Center for SafeSport Code](#)
- ★ [USOPC Athlete Safety Policy](#)
- ★ [Report an Allegation of Misconduct](#)
- ★ [USOPC Security & Athlete Safety Contact](#)
athlete.safety@usopc.org

CONTACT INFORMATION

Sara Pflipsen | Sr. Counsel
sara.pflipsen@usopc.org

Lucy Denley | DRU Manager
lucy.denley@usopc.org

DRU@usopc.org
www.TeamUSA.org

ATHLETE SAFETY HEARING



What is the Athlete Safety Hearing Process?

There are two types of hearings for athlete safety complaints. A temporary measures hearing is an expedited process utilized when a temporary measure is imposed that affects participation. This type of hearing is limited to determining whether the USOPC Security & Athlete Safety Office (Athlete Safety) had reasonable cause to impose the measure. A final hearing provides the respondent with a full hearing on the merits and the panel determines if there was a violation and any resulting sanctions. The participant must make a request for a hearing to utilize either process, as appropriate.



Constituent Involvement

- ★ Member Participant**
The respondent alleged to have violated the USOPC Athlete Safety Policy.
- ★ Athlete Safety**
Athlete Safety receives athlete safety complaints, notifies respondents of allegations and subsequent temporary measures/sanctions, and prosecutes the case.
- ★ Dispute Resolution Unit**
DRU manages the athlete safety hearing process.
- ★ Hearing Panel**
Three independent individuals comprised of at least one elite athlete representative tasked to decide whether an athlete safety violation occurred and the appropriate measures/sanctions. Individuals appointed to the hearing panel for a temporary measures hearing shall not be eligible for appointment to a final hearing in the same matter, if applicable.



DRU Support Details



General Administration

DRU oversees the general administration of an athlete safety hearing to ensure that the complaint is heard in a timely and efficient manner. This involves managing the overall processing of the complaint, from initiation of the matter to the closing of the case.

DRU receives the request for a hearing, informs Athlete Safety of the request for a hearing, acknowledges the request, gathers preliminary information about deadlines or any upcoming competitions, distributes hearing procedures, provides education to hearing panel members, serves as a liaison and counsel to the hearing panel, communicates with the parties, and oversees the general case management, among any other administrative or legal support.



Acknowledgement of Request

Upon a request for hearing in an athlete safety matter (either for a temporary measures hearing or final hearing), DRU immediately acknowledges the request via email. DRU notifies Athlete Safety of the request and directs Athlete Safety to provide any relevant information to initiate the case. DRU communicates directly with the individual making the request for a hearing and requests information related to the urgency of the matter, in particular of the dates of any upcoming competition.

DRU promptly appoints a three-person disinterested, or impartial, hearing panel to hear the case, including the appointment of the chair of the panel. One of the hearing panel members will be an athlete meeting the qualifications outlined in the USOPC Bylaws and the other two members may be any individual so long as they are disinterested and will be impartial to the case. Members of the panel need not be involved in the respective sport.

For the athlete representative, DRU collaborates with the relevant sport AAC representative for recommendations of an athlete to serve in this role. DRU may reach out to the recommended athlete on a preliminary basis regarding the potential appointment and will obtain any disclosures. For the other two individuals, DRU may work with the USOPC NGB Services department to identify potential candidates to serve on the panel. DRU generally identifies individuals with background knowledge of the Olympic and Paralympic movements, NGB experience, interest in serving on a panel, or with a legal background. DRU may reach out to potential candidates on a preliminary basis and will obtain any disclosures.

DRU notifies the parties of the hearing panel appointment. Additionally, DRU provides the parties with relevant hearing details and provides the parties with any disclosures, and may provide the parties with an opportunity to object to the composition of the hearing panel (depending on the urgency of the case).



DRU Support Details



Hearing Panel Education

DRU provides education to the hearing panel members immediately upon appointment. This includes providing an overview of the governing authority for the complaint process and jurisdictional basis (i.e. from the Act, a specific section from the USOPC Bylaws or other policy), explaining relevant precedents and standards, outlining the various steps in the process, detailing a panel member's role and authority, and clarifying any additional responsibilities required of panel members.

DRU delivers a presentation, intended for education of hearing panel members. Education for hearing panel members occurs on a continuous basis throughout the process. This includes providing memos on various precedents and standards, outlining agendas, answering questions and offering guidance on the hearing panel authority, all in an objective manner.

Hearing panel education is aimed at delivering the tools needed for the hearing panel members to properly apply when considering evidence and rendering decisions, and is no way intended to influence or prejudice any hearing panel member's decision-making authority. Education allows hearing panel members to act within the required scope of review and is fundamental to ensuring that the parties receive a fair case.



Hearing Panel Support

DRU serves as liaison to the hearing panel in this type of proceeding. This includes setting up meetings, staying apprised of filings, forwarding party communication, answering procedural and logistical questions, and working through hearing panel needs. As all hearing panels are comprised of volunteers, DRU is respectful of the hearing panel members' time and serves to support them in their role by making any part of the process as streamlined and efficient as possible.

An attorney within DRU serves as counsel to the hearing panel in this complaint process. In the role as legal counsel to the hearing panel, the attorney may provide general legal advice and guidance and answer any questions related to legal issues that arise in the proceeding. This includes setting out the standards and scope of review so the hearing panel understands the appropriate purview of the proceeding, along with its authority. A representative of DRU participates in all hearing panel deliberations to assist the hearing panel with points of clarification, but does not have any decision-making authority. DRU drafts all orders, decisions and/or reports in line with the hearing panel's decision in each particular case for final review and approval by the hearing panel.



DRU Support Details



Communication with Parties

DRU communicates directly with the parties or involved individuals in the case and serves as a liaison between the parties and the hearing panel. This prevents any ex-parte communications with the panel, along with streamlining information. This also allows for the effective facilitation of information to the hearing panel by eliminating extraneous communications. DRU ensures that all documents, filings submissions, or formal requests are promptly delivered to the hearing panel and confirms receipt and delivery with the parties.

DRU may answer logistical, administrative, or other questions from the parties directly, along with addressing any procedural questions on behalf of the USOPC.



Case Management & Logistics

DRU utilizes an internal case management site to effectively track all details a case from initiation of a matter to resolution, in accordance with the timeframes as set forth in the USOPC Document Retention Policy. This includes storing:

- Contact information from relevant individuals in the case (e.g. parties, panel, counsel, representatives, other affected parties)
- Filings and submissions
- Deadlines
- Orders and decisions
- Summaries of claims, issues, and decisions
- Key features and outcomes

Additionally, DRU ensures that hearing panel members have access to case details in an effective manner. To accomplish this, DRU may create an external case management site for hearing panel members or some other mechanism to adequately track the case. DRU also keeps an ongoing and updated summary of all filings/submissions, along with a spreadsheet of the timeline of key events, to assist hearing panel members in staying apprised of the high-level information in a case. DRU reminds hearing panel members about upcoming or past deadlines and may communicate with the parties if deadlines are not complied with.

DRU, with the assistance of the USOPC Communications Department, ensures that all orders, decisions and awards from cases are publicly posted on TeamUSA.org.

To provide services for an effective proceeding, DRU provides logistical support for any conference calls or hearings. DRU sets up all conference calls, including providing links or call-in details and sending calendar invites and reminders. DRU completes roll call for all calls and hearings, keeps track of time, and assists with taking notes, when appropriate. **(continued)**



DRU Support Details



Case Management & Logistics (*continued*)

Additionally, DRU arranges all administrative aspects for each hearing, including setting the conference line and/or securing office space, providing breakout rooms for the parties and the hearing panel, arranging travel and accommodations for hearing panel members, distributing case materials to the hearing panel members and counsel, IT setup requests, and any other logistical issue that may arise.



Arbitration Support

Parties can bypass the process by filing demand for arbitration to the AAA for a final and binding decision. Any decision rendered on an athlete safety matter can be brought forth to the AAA. DRU serves as a liaison to the AAA for administration of these matters. To the extent permitted and agreed to by the parties, DRU may be notified of the proceeding and may participate as an observer in the arbitration.



Ted Stevens Olympic and Amateur Sports Act



Section 220541:

(a) In General. The United States Center for Safe Sport shall-

- (1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;*
- (2) exercise jurisdiction over the corporation, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;*
- (3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;*
- (4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures; and*
- (5) ensure that the mechanisms under paragraph (4) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants.*

(b) Policies and Procedures. The policies and procedures developed under subsection (a)(3) shall apply as though they were incorporated in and made a part of section 220524 of this title.

(c) Binding Arbitration.

- (1) In general. The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such an allegation, to participate in amateur athletic competition.*
- (2) Preservation of rights. Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center's jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center's policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.*

(d) Limitation on Liability.

- (1) In general. Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543. **(continued)***



Ted Stevens Olympic and Amateur Sports Act



Section 220541 (continued):

(d) Limitation on Liability (continued).

(2) *Exception. Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.*

(3) *Definition of applicable entity. In this subsection, the term “applicable entity” means*

(A) the Center;

(B) a national governing body;

(C) a paralympic sports organization;

(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;

(E) an amateur sports organization reporting under section 220530;

(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and

(G) any individual participating in a proceeding pursuant to this section.