



Application of the SafeSport Code: USASF Relationship with the U.S. Center for SafeSport and Jurisdiction for Response and Resolution

The U.S. Center for SafeSport is an independent nonprofit organization committed to building a sport community where participants can work and learn together free of emotional, physical and sexual abuse and misconduct. The U.S. Center for SafeSport's independent status and congressional authorization (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017) designates them as the leader in the movement to end emotional, physical, and sexual abuse of amateur athletes that are members of the U.S. Olympic & Paralympic Committee (USOPC).

The Center's responsibilities include education and training and response and resolution services to National Governing Bodies (NGBs), including:

1. Establishing training and policy requirements for NGBs
2. Providing training and implementing educational programs for coaches, athletes and parents
3. Receiving all sexual misconduct reports (which can be reported anonymously) from NGBs and anyone in the USOPC
4. Investigating reports of sexual abuse in a confidential manner
5. Issuing decisions if an individual did or did not violate the Center for SafeSport Code
6. Sanctioning individuals found in violation of the Code, up to permanent ineligibility
7. Establishing oversight mechanisms, including regular and random audits of the NGBs.

NOTE: The U.S. Center for SafeSport provides items 1 and 2 for the U.S. All Star Federation. Items 3 through 6 are handled by the U.S. All Star Federation or its designees.

The above details reference the term National Governing Body (NGB) and members of the U.S. Olympic & Paralympic Committee. The U.S. All Star Federation is not recognized as an NGB under the Ted Stevens Amateur Sports Act, therefore they are not a covered "NGB" under the 2017 congressional act, nor are they currently serviced under the response and resolution services provided by the U.S. Center for SafeSport.

The U.S. All Star Federation, is however, the recognized governing authority for All Star Cheer and Dance, and for all intents and purposes, will perform the duties of an NGB for cheer and dance clubs that are members of the Federation. The USASF will follow the same standard of care as established by the U.S. Center for SafeSport for NGBs and will operate under the same policies and practices set forth by the Center. And, until such time as the USASF is fully onboarded with the Center for response and resolution, the U.S. All Star Federation will assume all responsibility for receiving reports and duties associated with response and resolution of SafeSport Code violations.

The SafeSport Code (**the Code**) established by the U.S. Center for SafeSport (**the Center**) has been adopted by the U.S. All Star Federation (**the Federation**) and will be followed as presented by the Center, with the understanding that the pages that follow are the current Code, in its original format with markings made by the Federation for clarity and ease of understanding jurisdiction and responsibility of the Federation until such time that the Center is able to on-board the Federation for Response and Resolution services. Thus, the document mark-ups include:

1. Any references to "the Center" shall be replaced with "the Federation"
2. All references to the USOC are not applicable to the U.S. All Star Federation application of the Code
3. Clarifications and notations have been added throughout the document to provide an understanding of how the Federation will interpret and apply the policies where needed
4. All references to Response and Resolution procedures that are specific to the Center have been removed and noted as such in the Code that follows. Specifically, references to the Center's arbitration process found throughout and on Pages 31-47 have been removed from the Code.
5. The original Code can be found at uscenterforsafesport.org



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

EFFECTIVE APRIL 15, 2019

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

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All Content included in Item XIV: Arbitration Rules and Exhibits 1 & 2 are NOT APPLICABLE to the U.S. All Star Federation Resolution and Response Process. Pages 32-43, 46 & 47 have been omitted intentionally, and as to not confuse members. If you would like to see the U.S. Center for SafeSport Resolution and Response process, visit uscenterforsafesport.org.

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

Effective April 15, 2019

I. AUTHORITY

The U.S. Center for SafeSport (Center) is recognized by the United States Congress, the United States Olympic Committee (USOC), 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. The Center maintains two offices:

- A. An office for education and outreach (Education & Outreach Office) that develops training, oversight practices, policies, and procedures to prevent the abuse, (including emotional, physical, and sexual abuse) of participants.
- B. An office for response and resolution (Response & Resolution Office) that establishes mechanisms to report, investigate, and resolve allegations of misconduct in violation of the Code.

Item IA is applicable to the U.S. All Star Federation. Item IB is not currently applicable to the U.S. All Star Federation as the on-boarding process for response and resolution by the Center as a service to the Federation is not currently available.

¹ See *San Francisco Arts & Athletics, Inc. v. U.S. Olympic Comm.*, 483 U.S. 522, 547, 107 S. Ct. 2971, 2986–87, 97 L. Ed. 2d 427 (1987) (“the USOC is not a governmental actor”); *Behagen v. Amateur Basketball Ass'n of U.S.*, 884 F.2d 524,

II. ADMINISTRATION AND COMPLIANCE

the Federation

The Code is administered by ~~the Center~~. The ~~USOC, the NGBs, and the~~ 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 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. Note: The Federation will

accept all changes to the Code made by the Center and will make effective once notice has been provided.

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~~ ^{Federation} assesses a Participant’s fitness and eligibility to be involved with amateur athletics. Participation in the private associations making up the ~~Olympic Movement~~ is a privilege, not a right.¹
the Federation

531 (10th Cir. 1989) (“We hold that the [NGB] is not a governmental actor to whom the due process prohibitions of the Constitution apply.”).

IV. JURISDICTION OF THE CENTER

A. Exclusive Jurisdiction

Federation

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

Federation

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;

Federation

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

C. Jurisdictional Reassessment

Federation

The ~~Center~~ may reassess its jurisdictional decision at any time.

Federation

V. JURISDICTION OF THE ~~USOC, NGBs, LAOs~~

Federation

Prior to the ~~Center~~ expressly exercising jurisdiction over particular allegations regarding a particular Participant, the relevant organization (the ~~USOC, the NGB, and/or the LAO~~) has the authority to implement necessary and/or appropriate measures, up to and including a suspension, to address any allegations of misconduct. 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. 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.

Federation

If, and 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 interim 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~~ Federation accepts jurisdiction. The procedures set forth by the adjudicating body (~~USOC, NGB,~~ or LAO) will be applied to any matter over which the ~~Center~~ Federation does not accept jurisdiction.

VII. ENFORCEMENT AUTHORITY

The ~~USOC, NGB, and/or~~ LAO ^{is} ~~are~~ responsible for enforcing sanctions and Temporary Measures imposed by the ~~Center,~~ Federation as set forth below.

VIII. DEFINITIONS

A. Athlete

An athlete who meets the eligibility standards established by the ~~NGB or Paralympic sports~~ Federation 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), (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 communication.

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

1. Force

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, choking, 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 cause a person sporting harm.
- 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 and/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 legal age of capacity under the Code is 18.

A three-year close-in-age exception will be applied to any policy violation between an adult and a Minor, or between two Minors, where there is no Power Imbalance.

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 and/or Emotional Misconduct.

* In reference to letter G on this page, it is understood that LAO shall also mean any member program, any member club, organization or entity that currently has or previously had membership with the U.S. All Star Federation

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.~~ the Federation.

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)

A U.S. Olympic National Governing Body, Pan American Sport Organization, or Paralympic Sport Organization recognized by the United States Olympic

Committee pursuant to the Ted Stevens Olympic and Amateur Sports Act, 36 U.S.C. §§ 220501, et seq.. This definition shall also apply to the USOC, or other sports entity approved by the USOC, when they have assumed responsibility for the management and/or governance of a sport included on the program of the Olympic, Paralympic, or Pan-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,² or was at the time of the alleged Code violation:
 - a. A member or license holder of an ~~NGB~~, LAO, or ~~USOC~~; the Federation
 - b. An employee of an ~~NGB~~, LAO, or ~~USOC~~, and/or; the Federation
 - c. Within the governance or disciplinary jurisdiction of an ~~NGB~~, LAO, or ~~USOC~~. the Federation
 - d. Authorized, approved, or appointed by the Federation or LAO, or ~~USOC~~ to have regular contact with Minor Athletes.

² For the purpose of evaluating whether an individual is considered a Participant per this provision, the phrase “currently is” includes the date on

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, where an Intimate Relationship existed before the sport 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.

which the alleged misconduct was reported to the Center, through resolution, and including the period(s) of any sanctions imposed.

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 Movements~~ ^{Federation} may be limited, conditioned, suspended, terminated, or denied if a Participant’s conduct is or was inconsistent with this Code and/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 U.S. Center for SafeSport, NGB, or LAO standards analogous to Prohibited Conduct 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 and/or civil laws.

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 or LAO regarding a Criminal 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(S). 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) and/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) and/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 and/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, and/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 and/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 and/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 and/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 and/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, and/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 and/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 and/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, choking 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 and/or conduct reasonably accepted as part of Participant’s participation.

3. Bullying Behavior

Repeated and/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 and/or Harassment. Examples of bullying behavior may include, without limitation, repeated and/or severe:

- a. Physical
Hitting, pushing, punching, beating, biting, striking, kicking, choking, spitting or slapping, 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 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 and/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 and/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 and/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 and/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 and/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 is any act taken with the purpose of facilitating, promoting, or encouraging the commission of Prohibited Conduct by a Participant. Aiding and Abetting also includes, without limitation, 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 USOC or the Olympic Movements;
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, USOC or the Olympic Movements.
4. Providing any coaching-related advice or service to an Athlete who has been identified as suspended or otherwise ineligible by the Center.

Under item E on this page, all references to "the Center" as underlined will be replaced with "the Center and/or the Federation". Federation members may not participate in aiding and/or abetting any individual that can be found in the Center's searchable database or those persons listed on the Federation's public website as Permanently Ineligible.

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 and/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.

Under item F.1. on this page, all references to the Center will be replaced with the Federation until such time that the U.S. All Star Federation is covered by the Center's response and resolution office.

- 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 and/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 person 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/or, 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, and/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

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.

comply with a temporary measure or other sanction; (g) distributing or otherwise publicizing materials created or produced during an investigation or Arbitration as a part 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 USOC or any organization subject to the Code shall not take an adverse action against any person for making a good faith report of a possible Code of Conduct 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.

All references to "the Center on this page are understood to mean "the Federation". Arbitration is removed from the above as Arbitration is offered by the Center's response and resolution office, under which the Federation is not covered.

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 and/or interactions outside of or unrelated to the sport relationship (electronically or in person), the parties' emotional connectedness, the exchange of gifts, ongoing physical and/or intimate contact and/or sexual activity, identity as a couple, the sharing of sensitive personal information, and/or intimate knowledge about each other's lives outside the sport relationship.

2. Exposing a Minor to Imagery

An Adult Participant violates this Code by intentionally exposing a Minor to imagery of a sexual nature. 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 where 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 where 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.

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 ~~USOC~~, NGBs, and/or LAOs. 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

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 the minor’s trust, and potentially the trust of the minor’s family. After the offender

specified circumstances), massages and rubdowns, social media and electronic communications, photography, locker rooms, one-on-one meetings and gifting.

X. REPORTING

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.
~~Federation~~

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~~. ~~U.S. All Star Federation:~~

a. Law Enforcement

- i. The agency designated by the Attorney General, consistent with federal

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

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~~ U.S. All Star Federation:

- i. Through the Center for SafeSport's online reporting form, www.safesport.org.
- ii. By Phone at 720-531-0340, during regular business hours (Monday-Friday, 9:00 AM MT – 5:00 PM MT).

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 involving a Participant to immediately report the incident to the Center (and/or to law enforcement if the matter involves possible criminal conduct).

Adult Participants ***must*** promptly report possible Sexual Misconduct directly to the Center whenever such Participants become aware of conduct that could constitute Sexual Misconduct.

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 USOC, ~~NGBs~~, or LAO, visit the relevant organization's website.

Replace underlined USOC with "the Federation"

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 ~~USOC~~, ~~NGB~~, or LAO), consistent with its procedures.

- b. [Reporting to the]U.S. All Star Federation:
 - i. Through the Federation's online reporting form www.usasf.net
 - ii. By phone at 901-530-2788, during regular business hours (Monday-Friday, 9:00 AM to 5:00 pm EST)

All underlined references to "the Center" on this page are understood to mean "the Center and/or the Federation"

At anytime, USASF members may make reports directly to the Center for SafeSport despite the Center not yet handling response and resolution for the Federation. Reports are referred to the Federation from the Center, and the Center does ask for a response from the Federation.

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 and/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 and/or legal counsel directly.

E. 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) if it is possible to do so while also protecting the health and safety of the Claimant and the sporting community.

If the Claimant's request for anonymity can be honored

If the Center determines a Claimant's request that personally-identifying information not be shared with Respondent can be honored, the Center may take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effect on the Claimant and sporting community. Those steps may include offering appropriate remedial measures to the Claimant, providing targeted training or prevention programs, and/or providing or imposing other remedies

tailored to the circumstances as a form of alternative resolution.

If the Claimant's request for anonymity cannot be honored

If the ~~Center~~ determines it cannot honor a Claimant's request(s) that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken, the ~~Center~~ may direct appropriate actions, which may include, without limitation: (i) imposing a no contact directive or other temporary measure; (ii) initiating an investigation; and (iii) arranging, imposing, or extending any other appropriate remedial and/or protective measures.

In such cases, the ~~Center~~ will make reasonable efforts to protect the privacy of the Claimant. However, actions that may be required as part of any investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Claimant's identity may have to be disclosed. In such cases, the ~~Center~~ will notify the Claimant that the ~~Center~~ intends to proceed with an investigation, but the Claimant is not required to participate in the investigation or in any other actions taken by the ~~Center~~.

F. 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 (a) of an allegation involving a Participant from that NGB; (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.

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, conduct a preliminary inquiry, and, if appropriate, undertake an investigation to determine whether a Participant violated the Code.

B. Substantive Standards and Procedural Rules

Where 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 and/or previous U.S. Center for SafeSport, ~~U.S. Olympic Committee, Federation NGB~~, or LAO standards. 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 and/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 ~~USOC'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.

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. Temporary Measures

The Center may, at any point before a matter is final, impose temporary measures as set forth below.

I. 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/or 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 either closes the matter or, if a violation is found, issues its Decision. A Respondent may request a hearing of the Center's Decision.

J. 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, who is not otherwise a party or witness involved in the investigation or hearing. 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 and/or proceeding, they may not speak on behalf of the Claimant or Respondent, or otherwise participate in such meetings and/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~~ ^{review} 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~~ ^{review}. The ~~Center~~ may request a postponement of any ^{review} hearing to allow sufficient time to interview witnesses and follow-up as necessary.

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 regarding a Claimant's prior sexual history or sexual predisposition is neither relevant nor admissible, except when prior sexual acts between the Claimant and Respondent are offered to prove Consent.

M. Relevance

The investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of opinion as to any person's general reputation for any character trait, rather than direct observations or reasonable inferences from the facts.

N. Investigation Report

A final Investigation Report will be prepared that sets forth the investigator's findings of fact and may make a recommendation as to whether the Code has been violated. 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. Enforcement

All temporary measures and/or sanctions imposed by the ~~Center~~ shall be in effect immediately upon issuance. The sanction imposed by the ~~Center~~ shall be enforced by the ~~USOC, NGBs, and LAOs~~ as set forth herein.

Q. Requesting a Stay of the Sanction(s)

At any time prior to a hearing, a Respondent may request that the ~~Center~~ stay a sanction(s) imposed by its Decision. The ~~Center~~ may, in its sole discretion, delay

implementation of the sanctions. The exercise of the ~~Center~~'s discretion on this issue is not reviewable.

~~R. Requesting Arbitration Hearing~~

~~Upon issuance of a Decision, a Respondent has five Days to request a hearing before an arbitrator. If Respondent does not make such a request within five 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.~~

S. 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.

T. Confidentiality – Release/Use of Materials

The following documents and/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 and/or

authorized by the ~~Center~~: the Notice of Decision; the Investigation Report and any documents and/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 and/or evidence submitted to ~~or prepared by the arbitrator,~~ ^{the review} ~~committee~~ 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 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 and/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 a Claimant or Respondent intentionally misrepresents the process, the underlying facts, or the outcome of a matter, the ~~Center~~ reserves the right to publicly correct the record.

All references to "the Center on this page are understood to mean "the Federation".

XII. TEMPORARY MEASURES

A. By the Center

1. Purpose

The ~~Center~~ may implement Temporary Measures at any time. Generally, Temporary Measures are implemented based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the sport community.

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

2. 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/or pay for some or all of those services as a condition of continued participation pending completion of the investigation.

The U.S. All Star Federation may institute "coach ineligibility" as a temporary measure: The ineligible member may not be recognized or perceived as an owner or coach in any capacity while attending a USASF Sanctioned Event. The ineligible member may not interact with the athletes in a manner consistent with coaching. Ineligible members may not receive the benefits of membership or engage in activities at the event specifically for owners, or coaches, including but not limited to VIP or Coach Hospitality Suites.

3. Effective Immediately

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).

~~4. Review by Arbitrator~~

~~In all instances where a Temporary Measure materially affects the right 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.

B. By the USOC, NGB, or LAO

1. Nothing in the Code prevents the ~~USOC~~, NGB, or LAO from enacting appropriate temporary measures before the ~~Center~~ exercises jurisdiction, including without limitation a temporary suspension, under the relevant organization's policies and procedures.
2. ~~The Center will issue a Notice of Exercise of Jurisdiction to an NGB when the Center determines it has jurisdiction over an allegation of Prohibited Conduct.~~

~~3. Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary measures previously imposed by the USOC, 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.~~

~~4. If, and when, the Center expressly exercises jurisdiction over particular allegations regarding a particular Participant, the USOC, NGB, or LAO 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 interim measure(s).~~

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 and/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 and/or mitigating factors.

Items 2-4 under B are not applicable as they refer to the jurisdiction of the Center's response and resolution office role exercising jurisdiction over an NGB.

Item 4 is not applicable under the response and resolution process set forth by the Federation.

All references to "the Center on this page are understood to mean "the Federation".

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 ~~USOC~~, any NGB, and/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 ~~USOC~~, any NGB, and/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 and/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 ~~USOC~~, any NGB, and/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.

All references to USOC have been removed as they are not applicable as the Federation is not under the jurisdiction of the USOC.

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 and/or potential threat to the safety of others;
5. Respondent's voluntary disclosure of the offense(s), acceptance of responsibility for the misconduct, and/or cooperation in the Center's process;
6. Real or perceived impact of the incident on the Claimant, ~~NGB(s)~~, ~~LAO(s)~~, ~~USOC~~, or the sporting community; ~~the Federation~~
7. Whether given the facts and circumstances that have been established, continued participation in the ~~Olympic Movement~~ is appropriate; and/or ~~Federation~~
8. Other mitigating and aggravating circumstances.

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

C. Publication

~~Federation~~

The ~~Center~~ may maintain a publicly-available searchable database of Participants who have been sanctioned by or whose eligibility has in some way been restricted by the ~~Center, the USOC, an NGB, and/or an LAO.~~ ~~Federation.~~

~~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.~~

All Content included in Item XIV: Arbitration Rules is NOT APPLICABLE to the U.S. All Star Federation Resolution and Response Process. Pages 32-43 have been omitted intentionally, and as to not confuse members. If you would like to see the U.S. Center for SafeSport Resolution and Response process, visit uscenterforsafesport.org.

~~All other issues and objections, if any, are reserved and preserved for a hearing on the final Decision, if any.~~

~~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 as they appear to the arbitrator; (ii) the measure is reasonably appropriate to maintain the safety or well-being of the Claimant, Athletes, or other Nonathlete Participants; 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.~~

~~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.~~

XV. ENFORCEMENT

A. Reciprocal Enforcement

~~Federation~~
~~Center~~ If the ~~Center~~ finds that a Participant violated the Code and issues a sanction(s), that sanction(s) shall be reciprocally enforced by and between all NGBs, LAOs, and the USOC.

B. Reviewing Temporary Measures and Sanctions

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

All references to "the Center on this page are understood to mean "the Federation".

All references to USOC have been removed as they are not applicable as the Federation is not under the jurisdiction of the USOC.

C. Communications to Stakeholders

~~The Center~~ shall provide a Summary of Decision, which ~~the USOC, NGBs, or LAOs~~ may provide to parties to assist with enforcement of sanctions. ~~The USOC, the NGBs, and the LAOs~~ shall establish a method to communicate Temporary Measures and sanctions to their relevant stakeholders.

D. 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 ~~an NGB~~^{the Federation} (e.g., utilizing the rules or procedures of ~~an NGB~~^{or LAO}), 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) and/or Temporary Measure(s) imposed by the ~~Center~~.

~~Federation~~

* Replace "an NGB" with "the Federation"

All references to USOC have been removed as they are not applicable as the Federation is not under the jurisdiction of the USOC.

All Content included in Exhibits 1 & 2 in reference to Arbitration are NOT APPLICABLE to the U.S. All Star Federation Response and Resolution Process. Pages 46-47 have been omitted intentionally, and as to not confuse members. If you would like to see the U.S. Center for SafeSport Response and Resolution process, visit uscenterforsafesport.org.