



U.S. Association of Blind Athletes (USABA) RESPONSE AND RESOLUTION POLICY

Scope: This Response and Resolution Policy governs the manner in which individuals can report all concerns governing alleged sexual misconduct, physical misconduct, emotional misconduct, or violations of the [USABA Minor Athlete Abuse Prevention Policy](#).

USABA Athlete Safety Policies and the U.S. Center for Safe Sport. USABA maintains its own policies concerning the conduct of individuals involved in USABA activities, and those individuals are also governed by the U.S. Center for SafeSport Code for the U.S. Olympic and Paralympic Movement (“SafeSport Code”), which can be found [here](#).

The U.S. Center for SafeSport, hereinafter U.S. Center, exercises *exclusive jurisdiction* over certain types of misconduct as described in the SafeSport Code, including: “Sexual Misconduct,” “Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct,” “Misconduct Related to Reporting” (related to Child Abuse or Sexual Misconduct), “Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation” (related to the Center’s process,” and other “Inappropriate Conduct.” The U.S. Center’s exclusive jurisdiction means that USABA transmits any reports of concerns to the U.S. Center, and USABA will not investigate or resolve any claim over which the U.S. Center has *exclusive* jurisdiction.

The U.S. Center has *discretionary jurisdiction* over several other types of misconduct, including “Non-sexual Child Abuse,” “Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;” “Minor Athlete Abuse Prevention Policy or similar Proactive Policy violations,” and “ Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the processes of the USOPC, an NGB, an LAO, or any other organization under the U.S. Center’s jurisdiction.” When the U.S. Center has *discretionary* jurisdiction, a report of concern that comes to USABA will be handled under this USABA Response and Resolution Policy unless the U.S. Center notifies USABA that the U.S. Center is exercising its discretion to manage the report of concern with the U.S. Center’s jurisdiction in accordance with the SafeSport Code.

Reporting: An individual who wishes to report a concern about violations of USABA policies or the SafeSport Code, including all allegations of alleged sexual misconduct, physical misconduct, emotional misconduct, or violations of the [USABA Minor Athlete Abuse Prevention Policy](#) should report the concern to (a) USABA’s Chief Executive Officer/Executive Director, (b) USABA’s Athlete Representative, (c) the USOPC Director of Athlete Safety, (d) the U.S. Center for SafeSport (with respect to misconduct within the U.S. Center’s exclusive or discretionary jurisdiction). There are no fees or costs to report a concern. In addition, all concerns about misconduct involving child abuse, sexual assault of a minor, or other crimes should also be reported to local law enforcement authorities.

Reports of allegations of alleged sexual misconduct are within the exclusive jurisdiction of the U.S. Center for SafeSport and reports of such shall be directed to the Center.

(a) and (b): Report alleged violations of the USABA Minor Athlete Abuse Prevention Policy and any other misconduct regarding USABA Athlete Safety policies to the CEO of USABA and/or to the USABA Athlete Representative:

- Phone: (719) 866-3224 (calls directed to Chief Executive Officer or Athlete Representative)
- Email: [Chief Executive Officer/Executive Director](#) or [Athlete Representative](#)



(c): Report misconduct to USOPC Director of Athlete Safety involving USABA’s role as a USOPC Multi-Sport Organization or with USABA’s role as an National Governing Body (NGB) for goalball or soccer:

- Phone: (719) 866-3869
- Email: safesport@usopc.org
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

(d): Report any misconduct within the U.S. Center’s exclusive or discretionary jurisdiction to the US Center for SafeSport. Reports of allegations of alleged sexual misconduct are within the exclusive jurisdiction of the U.S. Center for SafeSport and reports of such shall be directed to the Center.

- Phone: By Phone at 720-531-0340, during regular business hours (Monday-Friday, 9:00 AM MT – 5:00 PM MT.) or toll-free at 1-833- 5US-SAFE [1-833-587-7233] (24-hours per day, 7-days per week)
- Online: <https://uscenterforsafesport.org/report-a-concern/>

Anonymity and confidentiality: Reports to USABA or the U.S Center may be made anonymously. However, reporters are encouraged to identify themselves in order to facilitate investigation of the alleged misconduct. In addition, USABA will keep the identity of any reporter confidential to the extent permitted by law at the request of the reporter. If a report is associated with USABA’s role as a USOPC Multi-Sport Organization or with USABA’s role as a USOPC NGB for goalball and blind football (soccer), reports shall be made to the USOPC and any applicable legal agencies as appropriate.

Bad faith reporting: Reports of abuse, misconduct or policy violations that are malicious, frivolous, or made in bad faith are prohibited. Depending on the nature of the allegation, a person making a malicious, frivolous, or bad-faith report may also be subject to civil or criminal proceedings.

A link to report complaints or accusations will be included on the USABA website on the Safety Initiatives page in a prominent place along with links for training materials. A list of Suspended Members based upon the confirmation of misconduct decided during an investigation by the USABA Ethics & Judicial Committee will be available on the USABA website on the Safety Initiatives page in a prominent place.

Mandatory reporting: The SafeSport Code sets out a number of *mandatory reporting requirements* under which adult participants in USABA activities *must report* certain types of concerns to the U.S. Center. Specifically, an adult participant must make a report to the U.S. Center if the participant learns of information or reasonably suspects an incident of misconduct involving Child Abuse, including Child Sexual Abuse, Sexual Misconduct, Criminal Charges or Dispositions involving sexual misconduct or misconduct involving minors, and misconduct related to the U.S. Center’s process including Aiding and Abetting and Abuse of Process, and Retaliation.

With respect to incidents of Child Abuse and Child Sexual Abuse, the ADULT participant *must also* comply with any federal and/or state reporting requirements [see <https://www.childwelfare.gov/topics/responding/reporting/> and report the information to the appropriate law enforcement authorities.



In addition, ADULT participants **must report** any incident of emotional or physical misconduct (including bullying, stalking, hazing and harassment) or any violation of [USABA Minor Athlete Abuse Prevention Policy](#) either to USABA or to the U.S. Center.

HOW TO REPORT

USABA and USOPC will accept a report in whatever way is most comfortable for you including an anonymous, in-person, verbal, or written report. Regardless of how you choose to report, it is helpful if the report includes the following information:

- name(s) of the complainant(s);
- type of misconduct alleged;
- name(s) of the individual(s) alleged to have committed the misconduct;
- approximate dates the misconduct was committed;
- names of other individuals who might have information regarding the alleged misconduct; and
- a summary statement of the reasons to believe that misconduct has occurred.

ANTI-RETALIATION

No individual who in good faith reports a violation of the SafeSport Code or applicable USABA policies shall suffer harassment, retaliation or adverse membership consequences. “Retaliation” as used in this policy includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging or participating in USABA’s activities or processes when the action is reasonably related to the report or engagement with USABA. Retaliation may be present even where there is a finding that no violation occurred, but “retaliation” does not include good-faith actions lawfully pursued in response to a report of a violation. In addition, no individual covered by the SafeSport Code nor USABA itself shall take or threaten to take any action against an athlete as a reprisal for disclosing information to or seeking assistance from the Office of the Athlete Ombuds as outlined in the Ted Stevens Act, Section 220509(b)(5). This prohibition on retaliation bars retaliation before, during, and after administration of any of the processes identified in this policy within USABA or the U.S. Center.

An individual who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of membership. Any alleged act of retaliation must be reported to USABA, which will handle the allegation of abuse in accordance with its internal procedures for the resolution of complaints unless the retaliation involves a matter within the jurisdiction of the U.S. Center, in which case the report will be filed with the U.S. Center for resolution under its authority.



RESPONSE TO REPORTS AND TEMPORARY MEASURES

When USABA receives a report that falls within the exclusive jurisdiction of the U.S. Center, USABA will refer the report to the U.S. Center immediately (and no later than 24 hours) after receipt of the report. In addition, USABA will immediately (and not later than 24 hours after receipt) refer any report involving alleged child abuse (including child sexual abuse) to the appropriate law enforcement authorities.

Notification concerning jurisdictional determination. Upon receipt of a report, USABA will promptly inform an identified reporting party of its jurisdictional determination regarding their report to USABA, communicating that the matter either is being referred to the Center or is being addressed by USABA.

General Process and Interim measures: The process by which reports of concern are handled is set out in detail below. USABA may impose any interim measures that are necessary to protect USABA and its member during the pendency of any investigation or adjudication of a report. In general, the process that USABA employs consists of the following:

- Notify the alleged offender that their membership is temporarily suspended/terminated immediately, pending the outcome of a Ethics & Judicial Committee investigation
- Inform the Ethics & Judicial Committee Chair of the temporary membership suspension/termination and request that a Hearing Panel be set up to review the matter
- Conduct the Hearing on the matter and decide on the sanctions (including membership suspension/termination)
- Notify the alleged offender of the decision of the Ethics & Judicial Committee Hearing Panel
- Implement the decision on membership suspension/termination
- Post to the USABA website

Reports are processed in accordance with the Grievance, Complaint, and Appeal Procedures set out below.

Non-Interference: USABA shall not interfere in, attempt to interfere in, or attempt to influence the outcome of, any U.S. Center investigation.

Reporting: USABA has designated the CEO/ED below to manage responses to reports. The CEO/ED shall, within 72 hours of receiving a request from the U.S. Center, provide to the Center:

- a. The eligibility status of a Participant
- b. The existence of Organization-imposed temporary measures or safety plans

Administration and Enforcement of this Policy:

The person responsible for the administration and enforcement of this policy (and ensures that the policy is being followed) is the Chief Executive Officer/Executive Director of USABA, who can be reached through the following:

- Phone: (719) 866-3224 (calls directed to Chief Executive Officer or Athlete Representative)
- Email: [Chief Executive Officer/Executive Director](#)



The CEO/ED or the designee shall track each reported allegation within USABA’s designation by creating and regularly updating a table that reflects the receipt of reports, how the reports were responded to, and the outcome of the report.

Grievance, Complaint and Appeal Procedures can be found under “Policies and Procedures” page on the USABA website (<https://www.usaba.org/membership/policies-and-procedures/>).

Policy to submit to the U.S. Center “Data of Matters Addressed by the Organization”

USABA must annually submit to the Center data regarding:

- a. Reports of emotional or physical misconduct made to the Organization
 - i. Total reported incidents of alleged emotional misconduct
 - ii. Total reported incidents of alleged physical misconduct
 - iii. Total number of investigations of alleged emotional misconduct
 - iv. Total number of investigations of alleged physical misconduct
 - v. Total number of violations for emotional misconduct adjudicated by the Organization, separated by cases adjudicated by USABA
 - vi. Total number of violations for physical misconduct adjudicated by the Organization, separated by cases adjudicated by USABA

- b. Reports to the Organization that a Participant violated the Minor Athlete Abuse Prevention Policies (MAAPP)
 - i. Total reported incidents of alleged violations of the MAAPP, by policy type
 - ii. Total number of investigations of alleged violations of the MAAPP
 - iii. Total number of violations of the MAAPP, separated by cases adjudicated by USABA