

2019 SAFESPORT CODE

NOTEWORTHY REVISIONS

- Organizational update in the first part of the document, highlighting the application of the SafeSport Authorization Act of 2017, clarifying jurisdiction (of both the Center and the NGBs/LAOs/USOC), and updating pertinent definitions (e.g., Claimant, Respondent, Third-Party Reporter, etc.).
- The term “Covered Individual” was replaced with “Participant,” and the definition was made more concise. (pg. 6) This term defines the Center’s potential jurisdiction over an alleged Respondent. The change was necessary because the federal statute uses the term Covered Individual, but uses a different definition than the previous Code, creating a terminological conflict.
- “Prohibited Conduct” has been centralized into Section IX of the Code and provides for better categorization of prohibited behaviors. (pg. 7)
- The policies regarding a “Criminal Charge or Disposition” are more prescriptive. (pg. 7)
- New “Aiding and Abetting” provision makes it a violation of the Code for a Participant to facilitate, promote, or encourage the commission of a Code violation, particularly permitting a suspended or otherwise ineligible individual to participate. (pg. 15)
- Now included in the “Abuse of Process” policy is that not only is it an Abuse of Process for a Participant to violate any provision under that policy, but it is also a violation if “someone acting on behalf of [that] Participant” violates the same. (pg. 16)
- A new section of Prohibited Conduct has been added, “Other Inappropriate Conduct,” specifically parsing out other types of inappropriate conduct of an intimate/sexual nature.
- It is now an express violation of the Code “for a Participant to violate any provision of the Minor Athlete Abuse Prevention Policies (MAAP) or other proactive policies adopted by the USOC, NGBs, and/or LAOs.” (pg. 18)
- How the Center effectuates an “Informal Resolution” under the Code has been more clearly defined. (pg. 23)
- How the Center manages a Claimant and/or Respondent’s lack of participation in the process has been more clearly defined. (pg. 24)
- The Code’s “Confidentiality – Release/Use of Materials” provision has been more clearly defined. (pg. 26)
- The “Notice of Director’s Decision” will now be the “Notice of Decision,” a slight terminological change that is more consistent with the Center’s adjudicatory practices, namely that more than one “Director or designee” is often involved in the final decision-making process after an Investigation Report is finalized. (pg. 26)

- Alongside the Notice of Decision, the Center will now provide to NGBs a new document called the “Summary of Decision.” This document will essentially recapitulate the summary section of the Decision, but unlike the Notice of Decision, this document may be shared with LAOs, clubs, or other parties/organizations with a need to know. (pg. 27)
- The term “Interim Measures” has been replaced with “Temporary Measures” to more clearly convey their intent and purpose. The Code’s Temporary Measures section (*see* XII) is now more robust to comport with the Center’s current practices and to clearly define the NGB/LAO’s ability and jurisdiction to impose TMs. (pg. 27)
- The Code now states that if/when an NGB or LAO imposes a Temporary Measure prior to the Center exercising jurisdiction over a particular matter, those measures will now 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.” (pg. 28)
- The Code now states that a Respondent may challenge the Center’s imposition of Temporary Measures only when those measures “materially affect the right to participate (e.g., suspension).” (pg. 28)
- The Code now more clearly defines the process regarding a Respondent’s request for an arbitration hearing. (pg. 26)
- The “Sanctions” section of the Code has been updated to more clearly identify and define common sanctions imposed. (pg. 29)
- The “Considerations” relevant to the Center’s determination of appropriate sanctions (after a violation(s) of the Code has been found) have been updated to reflect best practices. (pg. 30)
- The Code’s “Hardship Exemption” has been expanded to now apply to any Respondent, not just a Respondent who is an athlete. (pg. 41)