INTRODUCTION

USA Gymnastics is the national governing body for the sport of gymnastics. The USA Gymnastics Safe Sport Policy (herein “the Safe Sport Policy”) establishes standards of conduct for USA Gymnastics Participants. Participation in USA Gymnastics is a privilege, not a right. The USA Gymnastics Safe Sport Investigation and Resolution Procedures (herein “the Procedures”) are drafted under the authority of USA Gymnastics Bylaws (herein “the Bylaws”), Sections 3.4 and 13.4.

The Procedures apply to any reported Safe Sport Violation provided to USA Gymnastics Safe Sport. A Safe Sport Violation is an action that constitutes one or more of the following:

1. Prohibited Conduct, as outlined in the SafeSport Code for the U.S. Olympic and Paralympic Movement (herein “the Code”);
2. Prohibited Conduct, Misconduct or Prevention Policy violations within the USA Gymnastics Safe Sport Policy;
3. Any analogous conduct violating current or previous standards promulgated by the U.S. Center for SafeSport (herein “the Center”), or USA Gymnastics at the time of the conduct; or
4. Any conduct that would violate analogous community standards existing at the time of the alleged conduct, including then applicable criminal and/or civil laws.

The Procedures do not apply to reported violations of the USA Gymnastics Code of Ethical Conduct or challenges arising under a Participant’s right to participate as guaranteed by federal act that are unrelated to Safe Sport Violations.

USA Gymnastics Safe Sport will use these Procedures to assess the fitness and eligibility of an individual to participate in the events of USA Gymnastics under authority of USA Gymnastics Bylaws, Section 13.4 and 3.4. The primary goal of USA Gymnastics Safe Sport is safety, not punishment. USA Gymnastics will strive to identify and eliminate Misconduct and abusive situations throughout the sport and venues subject to its jurisdiction. These efforts recognize the need for rehabilitative growth and changes in conduct, with reliance on removal when necessary to ensure the future safety of the USA Gymnastics community. The promotion of a culture leading to a safer sport requires participation of all professional Members, Athletes and parents.

A Report filed with USA Gymnastics Safe Sport does not release the Reporting Party from any other legal obligation to report. Reports must also be made to relevant state and federal agencies as required by law.
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USA Gymnastics Safe Sport Investigation and Resolution Procedures Glossary

Unless otherwise defined in these Procedures, terminology in these Procedures have the meanings stated in the glossary of the USA Gymnastics Safe Sport Policy.

- **Character evidence** is any evidence of a Respondent’s character that is not direct evidence of an event reported as a Safe Sport Violation.
- A **Claimant** is the person reported to have experienced an event, action or omission constituting a Safe Sport Violation.
- A **Report** is notice of a Safe Sport Violation submitted to USA Gymnastics Safe Sport through the USA Gymnastics Safe Sport reporting portal, or directly to a USA Gymnastics Safe Sport team member.
- A **Reporting Party** is a person who has reported a Safe Sport Violation to USA Gymnastics.
- A **Respondent** is a person reported to have committed a Safe Sport Violation.
- A **Restrictive Measure** is any term or qualification placed on an individual’s ability to participate in USA Gymnastics events.
- A **Witness** is any person who has observed a specific event or events underlying a reported Safe Sport Violation and presents their observation to the Investigator or a Hearing Panel.

I. Governance and Authority

A. USA Gymnastics shall follow all governing policies, procedures, and applicable laws. This includes, without limitation, the Safe Sport Policy, the Code, other governance documents from the Center, the Bylaws, applicable portions of the United States Olympic and Paralympic Committee’s (“USOPC”) Bylaws, the Ted Stevens Olympic and Amateur Sports Act (36 U.S.C. Sec. 220501 et seq.), the Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017, and the Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020.

B. The Procedures do not prevent any Member Club or Member from imposing higher safety standards or any person from exercising their legal rights.

C. The Procedures do not prohibit any Member Club or Member from making lawful employment-related decisions, even prior to the conclusion of any process outlined in these Procedures.

D. These Procedures replace all previous published Safe Sport Procedures, including those contained in previous USA Gymnastics Bylaws.

II. U.S. Center for SafeSport Jurisdiction

A. The Code defines the Center’s “Exclusive” and “Discretionary” jurisdiction.

1. USA Gymnastics must refer all matters within the Center’s Exclusive jurisdiction to the Center. This includes, without limitation, matters involving Child Abuse and Sexual Misconduct.

2. USA Gymnastics will transfer to the Center any matter over which the Center exercises Discretionary jurisdiction as permitted under federal act.

3. USA Gymnastics will request the Center exercise its Discretionary jurisdiction when USA Gymnastics identifies a potential conflict of interest or when the Center has accepted jurisdiction over another matter related to the Respondent.

4. USA Gymnastics will not investigate or resolve Misconduct over which the Center exercises Exclusive or Discretionary jurisdiction.
B. USA Gymnastics and its Member Clubs must enforce and comply with any suspension, restrictive measures, or other sanctions imposed by the Center, including those originating from conduct in other amateur sports.

C. Appeals of any matter under the Center’s jurisdiction must be appealed directly to the Center.

D. USA Gymnastics reserves all other rights and remedies, including but not limited to the right to set membership criteria and the right to impose appropriate measures, including Interim Measures for matters within the Center’s jurisdiction.

III. Confidentiality

A. The Bylaws, the Safe Sport Policy, and the Code provide some protections for confidentiality during the Safe Sport process. They do not, and cannot, guarantee absolute confidentiality.

B. USA Gymnastics will report all allegations of child abuse to relevant state or federal agencies.

C. USA Gymnastics may be required to disclose information contained in a report or learned during an investigation. Reasons for disclosure include, but are not limited to, the following:

1. Relevant state and/or federal law;
2. Mandatory reporting related to Child Abuse and Sexual Misconduct;
3. The Center’s jurisdiction; or
4. USA Gymnastics’ right, as allowed by the Code, to publicly correct any misrepresentation related to the Safe Sport process.

D. Relevant state and federal laws may also impose other requirements on the parties. Each party to the Safe Sport process is responsible for understanding what legal requirements, if any, apply to their conduct.

IV. Participant Rights

A. All persons involved in the Safe Sport process have the right to be treated with dignity and respect by all parties.

B. Claimants, Witnesses and Reporting Parties have a right to participate in the Safe Sport process without publicly disclosing their identities or experiences and may request their identities to be treated as confidential as permitted under these procedures. However, their identities must be disclosed to the Hearing Panel and Respondent if the matter proceeds to a Hearing Panel.

C. If any matter proceeds to a confidential Hearing Panel, the Claimant, Witness or Reporting Party may decline to participate in the Hearing Panel process rather than allow USA Gymnastics to share their identity with the Hearing Panel and Respondent.

D. USA Gymnastics will identify any party to the Resolution Hearing Panel process by name at least five (5) days prior to the party’s scheduled testimony.

V. Impartiality

A. USA Gymnastics’ Safe Sport process of intake, investigation and resolution of individual Reports is intended to be independent from conflicts of interest, personal bias, or undue influence from any one person or role. Accordingly, with the exception of the general counsel and the executive team member responsible for USA Gymnastics Safe Sport, Members of the Board of Directors, the Chief Executive Officer (herein “CEO”), the Executive Leadership Team (herein “the EL T”), and program leaders will not be involved in decisions regarding individual Reports or resolutions or have access to USA Gymnastics’ case management system.

B. Anyone within USA Gymnastics, including the CEO or other member of the EL T, who has a conflict of interest with someone involved in a Report will recuse themselves from involvement in the case as required by the USA Gymnastics Conflict of Interest Policy.

C. Despite the above, it is also critical that the EL T has oversight over, and accountability for, ensuring a fair and efficient Safe Sport process and enforcement of the Safe Sport and other administrative policies. Accordingly, the EL T may receive sufficient information (e.g. anonymized or aggregated data) to ensure that the policies are being followed, resolutions are timely, and the process is fair and free from bias.
VI. Submission and Review of Safe Sport Reports

A. Reports
1. Any person—including without limitation Athletes, Members, and non-members—may report a Safe Sport Violation to USA Gymnastics Safe Sport.

2. Reports should be submitted to USA Gymnastics Safe Sport through the USA Gymnastics Safe Sport portal. Written letters may also be submitted to USA Gymnastics Safe Sport at 130 E. Washington Street, Suite 700, Indianapolis, IN 46204 or electronic mail sent to safesportpolicy@usagym.org
   a. If you are unable to submit an email report or use the USA Gymnastics reporting portal, please call 833.844.7233 for further direction.

3. Each Report will be treated as a confidential submission to the extent allowed by law and governing policy.

B. Review of Reports
1. USA Gymnastics Safe Sport will review all Reports to determine, in its discretion, the appropriate response and to identify:
   a. If any information must be reported to law enforcement or the Center;
   b. If there are grounds to consider the Center’s Discretionary jurisdiction (such as conflict or relation to a pending case);
   c. If the conduct reported is appropriate for resolution through this Safe Sport process;
   d. If Interim Measures are appropriate; and
   e. If any other factors are relevant to an informed decision.

C. Prevention Policy Procedure
1. A reported Safe Sport Violation involving the USA Gymnastics Prevention Policies may be resolved by involving the relevant Member Club, the reported individual and/or the parent of any Minor identified in the report.

2. USA Gymnastics Safe Sport, in its discretion, may allow Reports of isolated violations of the Prevention Policies to be resolved informally by the Member Club. Any informal resolution by the Member Club must include notice to the family of the affected Minor Athlete.

3. USA Gymnastics Safe Sport, in its discretion, will utilize the USA Gymnastics Safe Sport Resolution Process for any Report it determines to be inappropriate for informal resolution by the Member Club, for example, Reports of multiple and/or severe Prevention Policy violations. Notice will be given to the parents of any affected Minor Athlete.

VII. Investigation

A. USA Gymnastics Safe Sport may assign an Investigator (the “Investigator”) to gather information related to a Safe Sport Report.

B. All information gathered, and any written summary prepared by the Investigator, is confidential and privileged work product of USA Gymnastics. Disclosure of information necessary under the Hearing Panel process is not a subject matter waiver of any privilege.

C. USA Gymnastics Safe Sport will review the Investigator’s written summary and any other information that USA Gymnastics deems appropriate in its reasonable discretion.

D. After its review, USA Gymnastics Safe Sport will determine, in its discretion, whether the matter is appropriate for resolution by a Hearing Panel, by dismissal, or by an alternate resolution method.

E. If the matter is appropriate for resolution by a Hearing Panel or alternate resolution panel, USA Gymnastics will provide the Respondent with a summary of allegations.

VIII. Interim Measures

A. Interim Measures are intended to:
   1. Ensure the safety and well-being of the gymnastics community;
   2. Prevent conduct or participation detrimental to the sport or its reputation;
   3. Prevent escalation of a reported Safe Sport Violation; or
   4. Limit/monitor the conduct of a Participant who is the subject of a Safe Sport Violation Report.
B. Hearings will be offered on any interim measure that denies the Respondent the right to participate in a USA Gymnastics sanctioned event.

C. USA Gymnastics will notify the Respondent of the Interim Measure. The Respondent must request a Hearing Panel within five (5) days of notice.

D. USA Gymnastics Safe Sport shall publish Interim Measures on a dedicated web page listing restriction on participation including, at a minimum, the name of the Respondent, the measure and duration of the measure being imposed, and the organization responsible for imposition of the measure.

E. If the Respondent is a Minor, then USA Gymnastics Safe Sport will contact the Minor’s parent(s) and/or legal guardian(s). USA Gymnastics will not publish Interim Measures imposed on Minors.

F. Member Clubs must honor any Interim Measure imposed by USA Gymnastics as part of their membership agreement.
   1. USA Gymnastics Safe Sport will notify the Member Club of a relevant suspension.
   2. The Club shall be responsible for the enforcement of the measure and notice to all club members of the measure’s existence in a manner that meets necessary minimum criteria provided by USA Gymnastics Safe Sport.
   3. The Club may impose any additional measures they deem necessary.

IX. Resolution Process

A. USA Gymnastics Safe Sport may pursue resolution of a Report by dismissal, a Hearing Panel or alternative resolution.

B. Alternatives to the Hearing Panel process may include, but are not limited to:
   1. Dismissal: USA Gymnastics will notify the Respondent the case has been closed without finding;
   2. Administrative Closure: USA Gymnastics will notify the Respondent of case closure contingent on mandatory educational requirements, without a finding of responsibility by the Respondent;
   3. Admonishment: USA Gymnastics will notify the Respondent that USA Gymnastics has found the Respondent responsible for the reported Safe Sport Violation;
   4. Negotiated Resolution: USA Gymnastics will provide a resolution agreement and offer to resolve the reported Safe Sport Violation without use of the Hearing Panel process;

C. Negotiated Resolutions
   1. Any negotiated resolution between USA Gymnastics Safe Sport and a Respondent must:
      a. Be in writing, signed by the Respondent, and signed by an authorized representative of USA Gymnastics Safe Sport; and
      b. Not restrict, limit or impede the existing rights of the persons witnessing, reporting or harmed by Safe Sport Violation, misconduct, abuse or unethical conduct.
   2. USA Gymnastics Safe Sport may give notice to each person reportedly harmed by the Safe Sport Violation if USA Gymnastics Safe Sport enters into the agreed-upon resolution.
   3. USA Gymnastics Safe Sport may, in its discretion, provide notice of the agreed-upon resolution to Reporting Parties and Witnesses.

X. Hearing Panels

A. Matters that remain unresolved through the alternative resolution process, or are not dismissed by USA Gymnastics Safe Sport, will be resolved through the Hearing Panel process.

B. USA Gymnastics Hearing Panels will be categorized either as a “Resolution Panel” or an “Interim Measure Panel.”

C. Fundamental Principles
   1. A Respondent has a right to fair notice and a hearing in any matter where USA Gymnastics seeks to declare the individual ineligible to participate in amateur athletic competition sanctioned by USA Gymnastics.
   2. Fair notice means the Respondent will be provided with:
      a. Written notice of the reported Safe Sport Violation;
      b. An opportunity, before the hearing, to review the information that will be submitted to the Hearing Panel;
c. A reasonable opportunity for the Respondent to participate in the Hearing Panel and present his or her case;

3. USA Gymnastics Safe Sport is a party to all proceedings.

4. All proceedings conducted under this section shall be kept confidential, subject to the publication of any ruling or decisions of the Hearing Panel, and the rights of the parties to seek arbitration.

D. Panel Construction

1. Persons serving on a Hearing Panel must be impartial – meaning they have no prior knowledge of the underlying allegations or any independent relationship with any Claimant(s), Witness(es) or Respondent(s).

2. Athlete representatives will be identified and selected by the USA Gymnastics Athlete Council.

3. Non-athlete panelists will be selected from a pool approved by the USA Gymnastics Ethics and Grievance Committee.

4. USA Gymnastics, and its Members, agree to submit to binding arbitration in any controversy involving the opportunity of any Amateur Athlete, Coach, trainer, manager, administrator or official to participate in amateur athletic competition, upon demand of USA Gymnastics or any aggrieved Amateur Athlete, Coach, trainer, manager, administrator or official.

5. A Hearing Panel directly impacting elite Participants, including any Hearing Panel affecting any individual’s participation in Protected Competition must include Athlete representation consistent with USOPC Bylaw standards, specifically a “10 Year Athlete Representative” in compliance with USOPC Bylaw 8.5.

6. Any other Hearing Panel (those not qualifying under item 5 above) must include Athlete representation consistent with USOPC Bylaw standards, specifically an “Actively Engaged Athlete Representative” in compliance with USOPC Bylaw 8.5.

E. Resolution Panel

1. A panel formed for the resolution of a pending Safe Sport Violation Report will be designated as a “Resolution Panel”.

2. A Resolution Panel will review the submitted evidence to determine if an individual has committed a Safe Sport Violation within the jurisdiction of USA Gymnastics Safe Sport under a “preponderance of the evidence” standard – meaning the event is more likely than not to have occurred.

3. A non-voting alternate may be appointed to the panel to serve as timekeeper, and to substitute for a panel member if that member is excluded by conflict or unavailability. The alternate should be excluded from deliberation.

4. USA Gymnastics Resolution Panel hearing procedures are available for review at (LINK PENDING).

F. Interim Measure Panels

1. An Interim Measure that prohibits a Member’s participation in an amateur athletic competition sanctioned by USA Gymnastics is subject to review by a USA Gymnastics Safe Sport Interim Measure Panel.

2. An Interim Measure Panel will determine if reasonable cause exists to impose or uphold one or more Interim Measures on the Respondent.

   a. “Reasonable Cause” is a conclusion based on a fair and sensible assessment of the facts, and a finding that a fair and reasonable person would believe an Interim Measure is appropriate pending resolution of the underlying reported Safe Sport Violation(s).
3. The Interim Measure Panel may:
   a. Modify the original Interim Measure upon finding a lack of “reasonable cause” or a finding of "reasonable cause" to impose an alternate Interim Measure.
   b. Impose a time limit on the Interim Measure.
4. A non-voting alternate may be appointed to the panel to serve as timekeeper, and to substitute for a panel member if that member is excluded by conflict or unavailability. The alternate should be excluded from deliberation.
5. Interim Measure Panel Procedures are available for review at: (LINK PENDING)

XI. Arbitration
   A. USA Gymnastics agrees to submit to binding arbitration in any controversy involving the opportunity of any Amateur Athlete, Coach, trainer, manager, administrator or official to participate in amateur athletic competition arising from these procedures.
   B. Arbitration may be exercised upon demand of USA Gymnastics or any aggrieved Amateur Athlete, Coach, trainer, manager, administrator or official.

XII. Publication of Ineligible and Restricted Members
   A. USA Gymnastics Safe Sport will publish a list of persons declared ineligible for Membership by the Center and/or USA Gymnastics.
   B. USA Gymnastics Safe Sport will publish a list of persons subject to restrictive measures by either the Center and/or USA Gymnastics Safe Sport.

C. In any decision rendered in a matter where a USA Gymnastics Participant is declared ineligible due to Safe Sport Violation or similar prohibited conduct, USA Gymnastics Safe Sport shall publish the following information:
   1. The name of the individual;
   2. The state where the behavior occurred and/or where the individual resides, or Member Club is located at the time the discipline is imposed;
   3. The relevant governance, or underlying conduct, of which the person has been found in violation.

D. In any decision rendered in a matter where a USA Gymnastics Participant is the subject of a Restrictive Measure (or similar restriction such as suspension) due to a reported Safe Sport Violation, USA Gymnastics shall publish the following information:
   1. The name of the individual;
   2. The state where the underlying behavior occurred and/or where the individual resides, or Member Club is located at the time the restriction is imposed;
   3. The duration of the restriction;
   4. The non-confidential terms of the restriction;
   5. If the restriction is an Interim/pre-resolution Measure, a post-resolution measure or subject to appeal/not final; and
   6. The Safe Sport Violation.
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Facebook: USA Gymnastics • Member Services

CONTACT US WITH QUESTIONS

Safesportpolicy@usagym.org
Member Services: 800.345.4719
Safe Sport Helpline: 833.844.7233