

The USOC's legal posture for years was that addressing sexually abusing coaches and officials wasn't their job, it was the National Governing Bodies' job. Then the NGBs claimed it wasn't their job either; it was the club's job. The new statute, "Protecting Young Victims from Sexual Abuse and the Safe Sport Authorization Act" prohibits that defense, and flips the script; the new law amends the Sports Act to require the USOC to protect athletes from abuse.

To recap, S. 534 does a number of good things:

- The Act expands the purposes of the USOC; "to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete." In other words, the USOC and NGBs have a legal duty to protect athletes from abuse.
- The Act makes everyone within the Olympic movement AND any sports organization that conducts interstate or international travel a **Mandatory Reporter** for child sexual abuse.
 - A person involved with Olympic and club sports, who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to police or child protection services.
 - People are required to report if the incident happened during any sport-related activity, included travel, lodging, practice, competition, and health or medical treatment.
 - Victim of child abuse are not required to self-report their abuse.
 - Don't try to conduct your own investigation; let the authorities do that.
 - Don't try to interview a child; that takes special expertise and children should be protected from being interviewed as few times as possible.
 - This provision would apply to the AAU, travel teams, or to some YMCA programs.
 - Importantly; these non-Olympic entities like the AAU or YMCA are not subject to SafeSport jurisdiction. We're hoping for reciprocity, but that's another hurdle.
- It provides a minimum of \$150K damages against a perpetrator after the person has been found to have committed sexual abuse in a civil suit.
 - The victim can seek a higher award for their damages, but would have to open up their counseling records during the litigation.
 - This \$150K presumed damages does not apply to physical and/or emotional abuse cases.
- Civil litigation for emotional and physical abuse remain unchanged.
- The Act does not make it easier for people to make a false report of abuse.
- The Act designates SafeSport as the entity to educate members on athlete abuse, investigate sexual abuse complaints, and sanction those abusers – much like USADA. (Giving a separate entity Expertise and Independence)

- The Act provides the U.S. Olympic Committee, NGBs and SafeSport and all witnesses and participants with a qualified privilege to speak. This means participating in a SafeSport investigation provides immunity from defamation claims by those removed from sport for a violation of abuse policies.
 - The privilege is lost if the person speaks with “actual malice”; a legal term meaning that the witness *knew* they are providing false information.
 - Merely making a mistake about facts will not break the privilege.
 - This will enable the USOC, NGBs and SafeSport to publish lists of those that have been disciplined, making them available to other NGBs, sports organizations, schools, and youth serving organizations.
 - It is estimated to protect 8 million child-athletes.
- **Regarding the United States Center for Safe Sport; It shall—**
 - (1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;
 - (2) exercise jurisdiction over the USOC, each NGB, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports.
 - (3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;
 - (4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution of alleged sexual abuse in violation of SafeSport’s policies and procedures;
- USOC and NGB membership carry expectations of adherence to SafeSport’s policies and investigations, similar to the U.S. Anti-Doping Agency (USADA).
 - SafeSport must provide members with due process prior to being removed from membership. https://assets.usarugby.org/docs/usoc/USOC_Due_Process_Checklist.pdf
 - Investigations can be initiated by third parties. A victim is not required for SafeSport to conduct an investigation; other coaches and teammates may have ample evidence of abuse.
 - SafeSport investigations may continue even when the criminal justice system decides not to prosecute or does not have enough evidence to convict.
 - The names of all child abuse victims or adult sexual harassment and rape victims are protected by policies similar to a rape shield law.
 - Reports of sexual abuse can be made:
 - 1. Publicly, with names attached, or;
 - 2. Confidentially, with names disclosed only to SafeSport and the parties, but not to outsiders, or;
 - 3. Completely confidentially to SafeSport, without a name. Obviously, this may limit what SafeSport can do if a report is made completely confidentially.
 - 4. Multiple reports can be made against a single molester, with some public witnesses or victims, and others remaining completely confidential.
 - SafeSport has no statutes of limitations. If there is an abuser who should not be around athletes; make a complaint.

- The SafeSport Office, the USOC and NGB defense counsel are separated by an ethical firewall when receiving and investigating reports of abuse.
- Reports should be made to the authorities, and either:
 - By phone: **720-524-5640**
 - At this online link:
https://cm.maxient.com/reportingform.php?SafeSport&layout_id=0

Please also see our one-page summary of SafeSport rules.