



## Athlete Safety Response & Resolution Policy and Process

This response and resolution policy and process outlines U.S. Ski & Snowboard's reporting process for allegations of misconduct. U.S. Ski & Snowboard's ***Athlete Safety Reporting Flowchart***, which summarizes the reporting process for allegations of misconduct, is attached to this policy and shall be followed by U.S. Ski & Snowboard Management Safety Committee. Additionally, the response and resolution of the U.S. Center for SafeSport ("Center") is attached to this policy for the allegations of misconduct that are within the Center's jurisdiction.<sup>1</sup>

### Response & Resolution Organizational Liaison(s)

The primary liaisons to the Center for U.S. Ski & Snowboard are the Vice President, People, Diversity & SafeSport, General Counsel, Member Services Director, Paralegal, and Club Development Manager ("U.S. Ski & Snowboard Management Safety Committee").

U.S. Ski & Snowboard has designated the Vice President, People, Diversity & SafeSport to oversee:

1. Response to all Center Requests
  - a. It is the responsibility of U.S. Ski & Snowboard's Vice President, People, Diversity & SafeSport to ensure requests from the Center are responded to preferably within 24 hours of receipt, but no later than 72 hours after receipt.<sup>2</sup>
2. Adherence to all Center Response and Resolution policies and practices.
  - a. It is the responsibility of U.S. Ski & Snowboard's Vice President, People, Diversity & SafeSport to ensure the organization is adhering to the Center Response and Resolution policies and processes. While the primary responsibility of this requirement lies with this person, it is the responsibility of the U.S. Ski & Snowboard Management Safety Committee to work collaboratively and proactively to ensure adherence to these policies and processes.

### Reporting Mechanism

U.S. Ski & Snowboard has a mechanism on its public website enabling individuals to report all concerns involving alleged physical, emotional, or sexual misconduct, or violations of its athlete safety policies including the Minor Athlete Abuse Prevention Policies ("MAAPP"). The reporting mechanism shall:

1. have no associated costs or fees for submitting a report,

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<sup>1</sup> This policy does not apply to reported violations of U.S. Ski & Snowboard's Code of Conduct, background screening or challenges arising, or grievances regarding a Participant's opportunity to participate under the Ted Stevens Act that are unrelated to this policy or the SafeSport Code. Note that there are no time bars of any kind on this policy or any Code of Conduct violations.

<sup>2</sup> For requests regarding Participant eligibility status and the existence of U.S. Ski & Snowboard-imposed temporary measures or safety plans, please contact U.S. Ski & Snowboard's membership services and check U.S. Ski & Snowboard's website (<https://www.uskiandsnowboard.org/individuals-suspended-or-ineligible-membership-or-restrictions>).



2. provide the option to report anonymously, and
3. clearly provide online reporting mechanisms for the respective jurisdictional authority of the Center and U.S. Ski & Snowboard (i.e., the Center has exclusive jurisdiction over allegations of sexual misconduct) and include a link to the Center's reporting portal (<https://uscenterforsafesport.org/report-a-concern/>) and phone number (833-587-7233).

At least twice annually, U.S. Ski & Snowboard will communicate reporting requirements and information to all Adult members.<sup>3</sup>

This communication shall include:

1. Mandatory Reporting requirements for Adult Participants
2. Information on where to file a report (i.e., U.S. Ski & Snowboard's reporting portal and the Center's reporting portal) (see <https://www.us skiandsnowboard.org/safesport-athlete-safety>)
3. Contact information for the U.S. Ski & Snowboard Management Safety Committee ([uskiandsnowboardsafesport@uskiandsnowboard.org](mailto:uskiandsnowboardsafesport@uskiandsnowboard.org) and text to 435-2GO-SNOW).<sup>4</sup>

### Referral of Report to the U.S. Center for SafeSport

Any report received by U.S. Ski & Snowboard of an allegation that falls within the Center's exclusive jurisdiction will be referred to the Center immediately, but no later than within 24 hours.

It is the responsibility of the Vice President, People, Diversity & SafeSport to ensure all reports received are reviewed and referred to the Center as required above. All members of the U.S. Ski & Snowboard Management Safety Committee shall have access to the reporting portal and must be trained on 1) what triggers a report needing to be filed with the Center or another agency such as local law enforcement or child protective services, and 2) how to properly refer a report to both the Center and other agencies.

### Jurisdiction Notification

For reports directly to U.S. Ski & Snowboard, U.S. Ski & Snowboard will promptly inform an identified reporting party of its jurisdictional determination regarding their report and communicating where the matter will be referred to and addressed by:

1. the U.S. Center for SafeSport,
2. U.S. Ski & Snowboard, or
3. U.S. Ski & Snowboard Member Club or Division.

To determine if U.S. Ski & Snowboard has jurisdiction over a reported matter, the U.S. Ski & Snowboard Management Safety Committee will review member records for the Respondent. If the Respondent is a member or was a member at the time of the alleged misconduct or is within the governance or disciplinary jurisdiction of U.S. Ski & Snowboard, then U.S. Ski & Snowboard Management Safety

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<sup>3</sup> This notice may be sent through membership newsletters.

<sup>4</sup> Both the email and voicemail inboxes are regularly monitored by multiple staff members.



Committee will determine if it has personal jurisdiction (who is governed by policies) and/or subject-matter jurisdiction (what conduct the policies address, and when they applied to Participants).

U.S. Ski & Snowboard shall utilize templates to notify a reporting party of the jurisdictional decision. These documents shall be reviewed regularly by the U.S. Ski & Snowboard Management Safety Committee to ensure they are current and relevant.

### **Mandatory Reporting**

U.S. Ski & Snowboard shall have a Mandatory Reporting policy that comports with the mandatory reporting of child abuse provisions in the SafeSport Code, including mandatory reports to law enforcement, compliance with any other applicable reporting requirements under state law, and mandatory reports to the Center.<sup>5</sup>

U.S. Ski & Snowboard's Mandatory Reporting policy can be found in its Athlete Safety Policy (see <https://www.usskiandsnowboard.org/safesport-athlete-safety/athlete-safety-policies-guidelines>).<sup>6</sup>

### **Prohibition of Retaliation**

U.S. Ski & Snowboard shall have a policy expressly prohibiting retaliation before, during, and after the process (whether led by U.S. Ski & Snowboard or the Center).

U.S. Ski & Snowboard's anti-retaliation policy can be found in its Athlete Safety Policy (see <https://www.usskiandsnowboard.org/safesport-athlete-safety/athlete-safety-policies-guidelines>). Additionally, U.S. Ski & Snowboard has an organizational Whistleblower and Anti-Retaliation Policy (see <https://www.usskiandsnowboard.org/governance/policies>).

### **Response and Resolution of Reported Allegations<sup>7</sup>**

U.S. Ski & Snowboard shall establish a policy that clearly states how it, and its Member Clubs/Divisions, will respond to and resolve reported allegations of abuse and misconduct that fall within its jurisdiction, as well as reports where the Center declines jurisdiction.

This policy shall include:

1. A mechanism/system for tracking reported allegations within U.S. Ski & Snowboard's (or the Member Club's/Division's) jurisdiction, recording how allegations were responded to, and their respective outcomes.

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<sup>5</sup> A report filed with U.S. Ski & Snowboard 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 or the Center as required by the SafeSport Code.

<sup>6</sup> U.S. Ski & Snowboard may temporarily delay an investigation at the request of law enforcement and will resume when notified that law enforcement has completed its investigation. U.S. Ski & Snowboard may also provide some or all its case information, documentation, or evidence to law enforcement.

<sup>7</sup> This policy does not prevent any Member Club from implementing higher safety standards or from making lawful employment-related decisions, even prior to the conclusion of any process outlined in this policy. This policy is not meant to prevent any person from exercising their legal rights.



2. The designation of a representative at U.S. Ski & Snowboard who ensures the Response and Resolution policy is being followed.

U.S. Ski & Snowboard's Athlete Safety Reporting Flowchart is illustrative of the reporting, response, and resolution process for allegations of misconduct. The intake process that U.S. Ski & Snowboard Management Safety Committee shall follow is outlined as follows:

#### Incident Report

1. Anyone may report allegations of misconduct including all concerns involving alleged physical, emotional, or sexual misconduct, or violations of its athlete safety policies. Reports should be submitted through U.S. Ski & Snowboard's reporting portal (see <https://www.us skiandsnowboard.org/safesport-athlete-safety/athlete-safety-policies-guidelines>).
2. Each report will be treated as a confidential submission to the extent allowed by law and governing policies. Anonymous reports may be made; however, anonymous reporting may limit response and resolution. U.S. Ski & Snowboard encourages reporters to provide their name and contact information.
3. A Report filed with U.S. Ski & Snowboard does not release a reporting party from any other legal obligation to report. If required by law or the SafeSport Code, a reporter must also report to relevant state and federal agencies or to the Center.

#### Intake

1. U.S. Ski & Snowboard will review all reports to determine if allegations or circumstances:
  - a. mandate reporting to law enforcement or child protective services;
  - b. mandate reporting to the Center;
  - c. are governed by the SafeSport Code, the U.S. Ski & Snowboard athlete safety policies, or the MAAPP; or
  - d. require imposition of interim measures or a safety plan.
2. If jurisdiction is within U.S. Ski & Snowboard's purview, then U.S. Ski & Snowboard will notify the claimant or reporting party and proceed with response and resolution under this policy.

#### Investigation

1. U.S. Ski & Snowboard will notify the respondent of the allegations of misconduct in a "notice of allegations." If the respondent is affiliated with a Member Club, U.S. Ski & Snowboard will notify the executive director or board chair of the notice of allegations and any interim safety plan, if applicable.



2. The investigator will contact the claimant, the reporting party, witnesses, and the respondent to request statements or interviews.
3. Any party may decline to participate. U.S. Ski & Snowboard, at its discretion, will proceed with the investigation.
4. Any party may consult with an advisor or attorney.<sup>8</sup>

### Resolution

1. Following its investigation<sup>9</sup>, U.S. Ski & Snowboard will issue its determination, at its discretion, which may include:
  - a. resolution agreement
  - b. dismissal
  - c. education and training requirements
  - d. probation with reporting requirements
  - e. restrictive measures and safety plans, including no contact directive
  - f. suspension
  - g. ineligibility

U.S. Ski & Snowboard will provide notice of the resolution terms to the respondent and may provide notice to all other involved parties including claimant, witness, and reporting parties.

### **Member Clubs**

U.S. Ski & Snowboard, in its discretion, may allow Member Clubs to informally resolve isolated violations of the MAAPP. Any informal resolution by the Member club must include notice to the family of the affected minor athlete. Informal resolution shall not be used by a Member Club for reports of multiple and/or severe MAAPP violations.

### **No Interference**

U.S. Ski & Snowboard shall not interfere in, or attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

### **Responsiveness to Requests from the Center**

U.S. Ski & Snowboard must have a designated representative(s) and an established policy to respond to requests from the Center within 72 hours for:

1. The eligibility status of a Participant.

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<sup>8</sup> A party involved in the matter, an employee, board member, or legal counsel of U.S. Ski & Snowboard may not serve as an advisor.

<sup>9</sup> U.S. Ski & Snowboard's investigative report, including investigator's notes, are confidential and privileged work product. Any disclosure of such information to facilitate restrictive measures or a hearing is not a subject matter waiver of any privilege.



2. The existence of U.S. Ski & Snowboard -imposed temporary measures or safety plans.

It shall be the responsibility of Member Services Director to respond to the above requests from the Center.

If the Member Services Director is unable to fulfill the request, they must request assistance from another member of the U.S. Ski & Snowboard Management Safety Committee to meet the timeframe.

The Member Services Director must track all information pertaining to these requests including: 1) name(s) of involved parties, 2) date the request was received and fulfilled, and 3) the document provided to the Center as part of the request.

### **Restrictive Measures (Interim Measures and Athlete Safety Plans)**

U.S. Ski & Snowboard may impose restrictive measures at any time in response to a report of an alleged policy violation if U.S. Ski & Snowboard deems the measures necessary to ensure the safety and well-being of its members. Restrictive measures will remain in effect until removed by either U.S. Ski & Snowboard or the Center.

If U.S. Ski & Snowboard imposes restrictive measures on a respondent that includes suspension from participation in amateur athletic competition protected by the Ted Stevens Act or the USOPC Bylaws, then the respondent may appeal pursuant to Article IX of U.S. Ski & Snowboard's Bylaws.

U.S. Ski & Snowboard's Member Clubs must enforce any restrictive measures and safety plans imposed by U.S. Ski & Snowboard or by the Center. The Member Club may impose additional measures, if it deems necessary, but it may not suspend participation in amateur athletic competition. U.S. Ski & Snowboard may notify additional participants on a need-to-know basis to ensure compliance with the restrictive measures and safety plan.

### **Policy to Enforce Sanctions or Temporary Measures**

U.S. Ski & Snowboard shall have an Event Quality Control System for Athlete Safety at Events which meets the Center's standards that prohibit individuals with sanctions or temporary measures (issued by the Center or U.S. Ski & Snowboard) from participating in any event, program, activity, or competition authorized by, organized by, or under the auspices of U.S. Ski & Snowboard. The Event Quality Control System shall also ensure that individuals who are required to be but are not compliant (including background checks, SafeSport™ Training, etc.) are either prevented from participating or are in a role that does not include Regular Contact with or Authority over minor Athletes.

Event Quality Control System includes the following categories:

1. Eligibility Requirements to Participate Based on Role at Event
2. Banned and Suspended Verification
3. Communication of U.S. Ski & Snowboard's Policies and Reporting Procedures
4. Adherence to U.S. Ski & Snowboard's Policies

This policy document can be found at <https://www.usskiandsnowboard.org/safesport-athlete-safety/safesport-resources>.



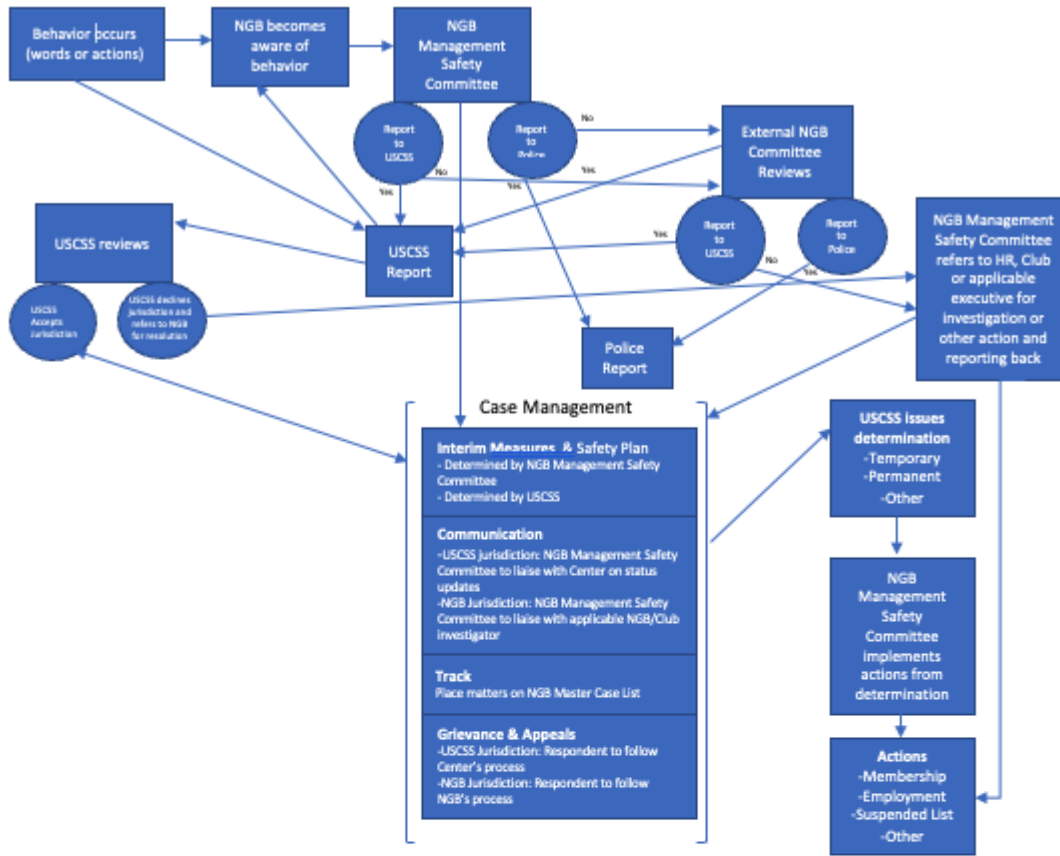
## Data of Matters Addressed by U.S. Ski & Snowboard

At least twice annually, U.S. Ski & Snowboard will request that its Member Clubs report the following reports to U.S. Ski & Snowboard: emotional and physical misconduct, violations of U.S. Ski & Snowboard policies, and retaliation. U.S. Ski & Snowboard will consolidate the Member Clubs reports with its reports and then shall annually submit to the Center (first submission by March 31, 2024, and by March 31 each year thereafter) data regarding:

- a. Reports of emotional and physical misconduct made to U.S. Ski & Snowboard and its Member Clubs/Divisions
  - 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 U.S. Ski & Snowboard, separated by cases adjudicated by U.S. Ski & Snowboard and cases adjudicated by U.S. Ski & Snowboard Member Clubs/Divisions.
  - vi. Total number of violations for physical misconduct adjudicated by U.S. Ski & Snowboard, separated by cases adjudicated by U.S. Ski & Snowboard and cases adjudicated by U.S. Ski & Snowboard Member Clubs/Divisions
- b. Reports to U.S. Ski & Snowboard or U.S. Ski & Snowboard Member Clubs/Divisions that a Participant violated U.S. Ski & Snowboard's Policies
  - i. Total reported incidents of alleged violations of U.S. Ski & Snowboard's Policies
  - ii. Total number of investigations of alleged violations of U.S. Ski & Snowboard's Policies
  - iii. Total number of violations of U.S. Ski & Snowboard's Policies, separated by cases adjudicated by U.S. Ski & Snowboard's and cases adjudicated by a U.S. Ski & Snowboard Member Club/Division
- c. Reports to U.S. Ski & Snowboard or U.S. Ski & Snowboard Member Club/Division that a Participant engaged in retaliation
  - i. Total reported incidents of alleged retaliation
  - ii. Total number of investigations of alleged retaliation
  - iii. Total number of violations of retaliation policy separated by cases adjudicated by U.S. Ski & Snowboard's and cases adjudicated by U.S. Ski & Snowboard Member Club/Division.



## U.S. Ski & Snowboard's Athlete Safety Reporting Flowchart



### Entities

- USCSS (U.S. Center for Safesport)
- NGB Management Safety Committee (CFO, Legal, HR, and applicable leaders)
- NGB External Safety Committee (doctor, retired federal prosecutor, retired FBI agent)
  - Subcommittee of NGB Board Ethics Committee
- NGB (U.S. Ski & Snowboard)
- Police (local law enforcement or Child Protective Services)

### Notification

- Safesport Code requires reporting by Covered individuals. Reports may come from employees, contractors, volunteers, interns, athletes, members, parents, general public)
- Interim Measure examples:
  - Termination of employment
  - Suspension of employment
  - Suspension from team
  - Suspension of membership
  - Requirement for interaction with athletes (safety plan, chaperone, no contact)

### Tracking and Communication

All matters are placed on NGB Master Case List, which is reviewed regularly (weekly by the NGB Management Safety Committee, and shared Regularly (Quarterly) with the NGB External Safety Committee)

Version August 2022





## U.S. Center for SafeSport's Response & Resolution Process

