

USA Skateboarding Safe Sport Response & Resolution Procedure Effective January 1, 2023

Organizational Liaisons

USA Skateboarding has identified the following internal staff to adhere to these procedures and otherwise address athlete safety concerns:

- 1) General Manager
- 2) High Performance Director

Each Organizational Liaison is:

- 1) Properly trained on their role and responsibilities
- 2) Experienced sufficient to execute their role and responsibilities
- 3) Empowered to administer their role without undue interference

The Organizational Liaisons will be transparent with parties and witnesses about their role and responsibilities.

Reporting Mechanism

The U.S. Center for SafeSport (the “Center”) has exclusive jurisdiction over all reports of sexual abuse and child abuse within the U.S. Olympic and Paralympic Movement.

The Center also has discretionary jurisdiction over reports of emotional and physical misconduct (including but not limited to bullying, hazing, stalking, and harassment) within the U.S. Olympic and Paralympic Movement.

It doesn't matter where you report because:

- 1) USA Skateboarding will refer any within the Center's exclusive or discretionary jurisdiction to the Center for a jurisdictional determination as set forth below, and
- 2) The Center will refer to USA Skateboarding reports over which it does not have or does not exercise its jurisdiction.

Reporting

Complaints or information may be reported to the U.S. Center for SafeSport:

- 1) Through the U.S. Center for SafeSport Report a Concern page: <https://uscenterforsafesport.org/report-a-concern/>; or
- 2) by calling 833-5US-SAFE (833-587-7233), the Center's toll-free Report a Concern phone number.

Complaints or information may be reported to USA Skateboarding by:

- 1) Completing an online report to USA Skateboarding at usassafesport@usaskateboarding.com, or
- 2) by calling 800-309-1950.

In the event the allegation is made against a USA Skateboarding staff member, the allegation may be made to the Chair of the Board of Directors at blowrey@usaskateboarding.com. Complaints or information may be reported anonymously. However, an anonymous report may limit the investigating entity's ability to investigate and respond to a report, and if an Adult Participant reports anonymously, it may not be possible to verify that mandatory reporting obligations have been satisfied. Thus, USA Skateboarding strongly encourages Adult Participants to provide their name and contact information when reporting.

There are no cost, fees or other charges associated with complaints or information reports.

Referral to the US Center for SafeSport

USA Skateboarding monitors its phone line for misconduct reports and the safe sport email inbox for requests from the Center and misconduct reports and will refer misconduct reports to the Center as soon as possible for a jurisdictional determination; provided that all matters that fall within the Center's exclusive jurisdiction MUST be referred to the Center immediately and no later than within 24 hours.

Jurisdiction Notification

USA Skateboarding will promptly inform a reporting party if the matter is being referred to the Center, or addressed by USA Skateboarding. If the matter is handled by the Center, the Center will follow the Center's response and resolution process. If the matter is handled by USA Skateboarding, it will follow the process stated herein.

Mandatory Reporting

Adult Participants of USA Skateboarding must know and abide by their reporting requirements under the Center's SafeSport Code, state law, and federal law. Lack of knowledge about a reporting obligation is not a defense.

Excerpt from the US Center for SafeSport Code – Mandatory Reporting April 1, 2022

X.B. Reporting Requirements related to Child Abuse, including Child Sexual Abuse

1. An Adult Participant who learns of information or reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must immediately:

- a. Make a report to law enforcement AND
- b. Make a report to the U.S. Center for SafeSport

AND

- c. Comply with any other applicable reporting requirements under state law.

2. Reporting to the Center alone is not sufficient. You must report to both the Center and to law enforcement, and comply with any other applicable state or federal laws.

3. Child Abuse includes incidents that involved a victim who is a minor at the time of the alleged incident, even if the victim is now an adult.

X.C. Reporting Requirements Relating to Sexual Misconduct

1. An Adult Participant who learns of information or reasonably suspects that an incident(s) of Sexual Misconduct has occurred, must immediately report the incident(s) directly to the Center.
2. This reporting requirement applies regardless of whether the suspected victim is an adult or minor.
3. If the Sexual Misconduct involves a minor, it must be reported as child abuse pursuant to Section X.B above.

X.D. Additional Misconduct that Adult Participants must report to the Center:

1. Criminal Charge(s) or Disposition(s) involving sexual misconduct or misconduct involving Minors.
2. Misconduct related to the Center's process, including suspected incident(s) of:
 - a. Aiding and Abetting
 - b. Abuse of Process
 - c. Retaliation.

X.E. Emotional & Physical Misconduct and Proactive Policies

1. An Adult Participant who learns of information or reasonably suspects that an incident(s) of emotional or physical misconduct (including bullying, stalking, hazing, and harassment) prohibited under the Code has occurred must report it to the organization (USOPC, NGB, or LAO) with which the Participant is affiliated.
2. An Adult Participant who learns of information or reasonably suspects a violation of the Minor Athlete Abuse Prevention Policies or other proactive policies must report it to the organization (USOPC, NGB, or LAO) with which the Participant is affiliated.

Information about state reporting requirements is available at:
<https://www.childwelfare.gov/topics/responding/reporting/>

The reporting requirements under this section are an individual obligation of each Adult Participant. Reporting to a supervisor or administrator does not relieve an Adult Participant of the obligations to report as specified under this section. Adult Participants must report even if they believe someone else has already reported.

USA Skateboarding tracks mandatory reports and the dates when requirements are met. Such information is shared with the Center as set forth in the Data Collection and Reporting section of this document.

Prohibition of Retaliation

USA Skateboarding's Safe Sport Manual (and other policies) prohibits retaliation before, during, and after the process (whether led by USA Skateboarding or by the Center) of resolving an abuse or misconduct allegation.

Response and Resolution of Reported Allegations

USA Skateboarding's athlete safety response process is based on: Fairness, Efficiency, and Neutrality.

USA Skateboarding has a fair process, including:

- 1) Clear and enforceable policies, including specific policies governing personal jurisdiction (who is governed by policies) and subject-matter jurisdiction (what conduct the policies address, and when they apply to covered individuals);
- 2) Fair notice to a Respondent (i.e., an individual alleged to have engaged in misconduct) of the misconduct alleged, the policies that apply to the allegations, the right to representation, and an opportunity to respond to the allegations; and
- 3) Clear articulation of the evidentiary standard applied to the evaluation of alleged misconduct; Center investigations apply a preponderance of evidence standard (i.e., more likely than not).

USA Skateboarding has an efficient process, including:

- 1) Pursuit of all reasonable leads during inquiry or investigation;
- 2) Dedication of resources necessary for staff to effectively administer their duties; and
- 3) Timely resolution of matters.

USA Skateboarding has a neutral process, including:

- 1) No conflicts of interest that appear to, or actually do inhibit administrators from operating fairly and thoroughly;
- 2) Opportunities for both Claimants (i.e., an individual who is alleged to have experienced conduct that constitutes a Code violation) and Respondents to provide information for consideration; and
- 3) Ability for staff to administer duties without bias or predetermined outcome.

Once jurisdiction is determined by the Center, and if the Center declines jurisdiction, USA Skateboarding's athlete safety responses process will govern. This process has three phases: Intake, Preliminary Inquiry and Investigations

Intake

The primary function of Intake is to facilitate receipt of reported concerns. During Initial Intake:

- 1) Incoming reports are received;
- 2) Information and documentation are gathered to guide assessment of jurisdiction;
- 3) Jurisdiction is determined and is referred to the Center, exercised, or declined based on policy criteria; and
- 4) Preparation is done to move the matter to Preliminary Inquiry or resolution of the report.

Preliminary Inquiry

The Preliminary Inquiry phase typically includes the following:

- 1) Claimant(s) is (are) identified and contacted, the process is explained, and Claimant questions or concerns are addressed;
- 2) A Preliminary Interview* is conducted with the Claimant(s);
- 3) Immediately available information and evidence (e.g., screenshots of text/social media messages, video footage, etc.) is gathered; and
- 4) Critical witnesses are identified and, if necessary, contacted to gather preliminary information.

*Preliminary Interviews are brief conversations, generally with the Claimant(s) (though supplemented, if necessary, by critical witnesses or third-party reporters to affirm Claimant identity or contact information). The goal of a Preliminary Interview is to obtain a fundamental understanding of the allegations and surrounding circumstances. Importantly, the Preliminary Interview is not meant to elicit substantial detail regarding the allegations, should be conducted in a trauma-informed way, and should be intentionally brief so Claimant(s) do not feel they are repeating themselves when they eventually speak with an investigator.

Investigations

The Investigations phase typically includes:

- 1) Case assignment and preparation;
- 2) Evidence collection and review;
- 3) Interviews with relevant parties and witnesses; and
- 4) Drafting and review of an Investigation Report.

Each investigation is unique. Even similar sets of allegations may have factual or legal distinctions that warrant different investigative approaches. The nature and severity of allegations and the ages and roles of involved parties and witnesses will often impact the investigative approach and may impact the ultimate outcome.

Interviews may be conducted in person, by telephone or video call. Staff will document their investigative efforts through notes, digital recording, or transcription. This phase will often conclude with the drafting of an Investigation Report that summarizes investigative efforts and factual findings and includes an assessment of allegations and the evidence underlying that assessment.

The Preliminary Inquiry and Investigation phases may occur simultaneously depending on the complexity of the case.

Temporary Measures

USA Skateboarding will implement temporary measures at any time if an assessment of known

facts and evidence suggests that measures are necessary to mitigate risk, or to protect athletes or the sport community.

Temporary measures may range from restrictions on a Respondent's ability to interact with one or more individuals, perform certain duties, or participate in certain programs, to suspension of USA Skateboarding membership or participation entirely. Membership suspension by USA Skateboarding may only occur prior to the Center taking jurisdiction over a matter. Temporary measures up to membership suspension may be issued by USA Skateboarding at any time. USA Skateboarding will routinely assess and, if necessary, modify temporary measures as new information becomes available during an investigation.

*USA Skateboarding will inform the Center of any temporary measures it issues.

Confidentiality

Allegations of abuse and misconduct are often sensitive and personal in nature. However, to conduct an effective investigation, some information will need to be revealed. Thus, absolute confidentiality is not possible for any party or witness. That written, USA Skateboarding will share associated information and outcomes with regard to these processes only with those with a legitimate need for information.

No Interference

USA Skateboarding will not interfere in, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

Responsiveness to Requests from the Center

USA Skateboarding will respond to the Center within 72 hours for:

- 1) The eligibility status of a Participant, and
- 2) The existence of USA Skateboarding imposed temporary measures or safety plans.

Policy to Enforce Sanctions or Temporary Measures

USA Skateboarding will input the temporary measures/safety plans into a spreadsheet and alert any pertinent chartered club that someone in their state/club has a temporary measure.

Data Collection and Reporting

Data Collection: USA Skateboarding will collect information for the categories set forth below in a spreadsheet. Reports that come directly to USA Skateboarding will automatically be entered. Those reports coming to USA Skateboarding from the Center will be added to the spreadsheet.

- 1) Reports of emotional and physical misconduct made to USA Skateboarding:
 - a) Total reported incidents of alleged emotional misconduct;
 - b) Total reported incidents of alleged physical misconduct;
 - c) Total number of investigations of alleged emotional misconduct;
 - d) Total number of investigations of alleged physical misconduct;

- e) Total number of violations for emotional misconduct adjudicated by USA Skateboarding, separated by cases adjudicated by USA Skateboarding; and
- f) Total number of violations for physical misconduct adjudicated by USA Skateboarding.

2) Reports to USA Skateboarding that a Participant violated the Minor Athlete Abuse Prevention Policies (MAAPP).

- a) Total reported incidents of alleged violations of the MAAPP, by policy type;
- b) Total number of investigations of alleged violations of the MAAPP; and
- c) Total number of violations of the MAAPP.

Data Reporting: Beginning in 2024 USA Skateboarding will submit the data to the Center by March 31 of each year.

USA Skateboarding will also collect information as to how each allegation is resolved.