



U.S. CENTER FOR
SAFESPORT

USA CYCLING'S REPORTING, RESPONSE AND RESOLUTION POLICY

I. Reporting Policy

A. General Information

1. Adult Participants must know their reporting requirements under USA Cycling's Reporting, Response, and Resolution Policy, state law, federal law, and the [SafeSport Code](#). Lack of knowledge about a reporting obligation is not a defense.
2. Nothing in this Policy shall be construed to require a victim of child abuse or other misconduct to self-report.
3. No one should investigate suspicions or allegations of child abuse or other Prohibited Conduct, or attempt to evaluate the credibility or validity of allegations as a condition of reporting to USA Cycling, the Center, or to appropriate authorities.
4. 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.
5. All reports made pursuant to the reporting requirements below may be made anonymously.
6. USA Cycling will notify the Center if an individual on Jurisdictional Hold attempts to participate.
7. Local Affiliated Organizations (LAOs) may not independently respond to or resolve reported allegations and must promptly forward all reports to USA Cycling.
8. USA Cycling will promptly inform an identified reporting party of its jurisdictional determination regarding their report to USA Cycling, communicating that the matter is being referred to the Center or is being addressed by USA Cycling. For clarity, USA Cycling does not refer matters to its LAOs for response or resolution.
9. USA Cycling maintains an electronic case management system to track all reported allegations within its jurisdiction, reflecting how each allegation was responded to and its respective outcome.
10. USA Cycling will track and annually submit to the Center data regarding:

Reports of emotional or physical misconduct made to USA Cycling.

- Total reported incidents of alleged emotional misconduct
- Total reported incidents of alleged physical misconduct
- Total number of investigations of alleged emotional misconduct
- Total number of investigations of alleged physical misconduct
- Total number of violations for emotional misconduct adjudicated by USA Cycling
- Total number of violations for physical misconduct adjudicated by USA Cycling

Reports to USA Cycling that a Participant violated the Minor Athlete Abuse

Prevention Policies (MAAPP).

- Total reported incidents of alleged violations of the MAAPP, by policy type
- Total number of investigations of alleged violations of the MAAPP
- Total number of violations of the MAAPP adjudicated by USA Cycling
- Reports to USA Cycling that a Participant engaged in retaliation.
- Total reported incidents of alleged retaliation
- Total number of investigations of alleged retaliation
- Total number of violations of retaliation policy adjudicated by USA Cycling

B. Reporting Requirement

1. *Child Abuse including Child Sexual Abuse*

An Adult Participant who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must immediately (within 24 hours) make a report of the suspected abuse to *both* law enforcement and the Center:

a. Law Enforcement

- The agency designated by the Attorney General, consistent with the federal requirements set forth in section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341).
- Applicable State Law Enforcement agency. Learn more about this requirement by visiting [here](#).

b. U.S. Center for SafeSport

- Through the Center's online reporting [form](#),
- By phone at 833-587-7233

Reporting such conduct to the Center does not satisfy an Adult Participant's obligation to report to law enforcement or other appropriate authorities consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. Sec. 20341).

2. *Sexual Misconduct*

USA Cycling and the Center encourage *anyone* who learns of information or reasonably suspects that an incident of Sexual Misconduct involving a Participant to report the incident immediately to the Center (and/or law enforcement if the matter involves possible criminal conduct).

Adult Participants *must* promptly report possible Sexual Misconduct directly to the Center (and/or law enforcement if the matter involves possible criminal conduct) whenever such Adult Participants become aware of conduct

that could constitute Sexual Misconduct. An Adult Participant who is required, but fails, to report suspected child sexual abuse could be subject to criminal penalties.

If received, USA Cycling will report allegations of Sexual Misconduct to the U.S. Center for SafeSport and to law enforcement, as appropriate, immediately (within 24 hours).

3. Emotional and Physical Misconduct and Violations of Proactive Policies

Adult Participants are required to report to USA Cycling emotional and physical misconduct (including bullying, hazing and harassment) prohibited under the Code and USA Cycling's Safe Sport Program. This includes all violations of USA Cycling's Minor Athlete Abuse Prevention Policies (MAAPP). There is no cost associated with reporting.

Reports to USA Cycling can be made by:

- Texting (Anonymous): 719.782.8722
- Emailing (Anonymous): report@usacycling.realresponse.com

The online reporting tool allows reporters to report anonymously, if they wish to keep their identities anonymous. However, anonymous reports may limit USA Cycling's ability to investigate and respond to a complaint.

4. Criminal Dispositions

USA Cycling and Adult Participants are required to report to the Center Criminal Charge(s) and Disposition(s) involving sexual misconduct or misconduct involving Minors. For the avoidance of doubt, this includes reporting any Criminal Charge(s) and Dispositions(s) involving sexual misconduct or misconduct involving minors that are contained in background screening results. The Center reviews Criminal Charges or Dispositions involving sexual misconduct or child abuse *de novo*; any prior consideration or finding by USA Cycling regarding such matters is not relevant to the Center's determination. A Participant may challenge the Center's decision as outlined in Section IX(A)(3) of the Code.

Adult Participants are required to report Criminal Charge(s) and Disposition(s) involving any other form of misconduct to USA Cycling.

5. Misconduct of the Center's Process

Adult Participants are required to report to the Center any suspected incident(s) of:

- Aiding and Abetting
- Abuse of Process
- Retaliation

6. *Failure to Report*

An Adult Participant who fails to report pursuant to this Section B, may be subject to disciplinary action by the Center, USA Cycling, and/or law enforcement. Specifically, an Adult Participant who fails to report actual or suspected Sexual Misconduct or Child Abuse to the Center and, when appropriate, to law enforcement may be subject to disciplinary action under the Center's resolution procedures and may also be subject to federal or state penalties.

C. How reports of Child Abuse or Sexual Misconduct are handled

Pursuant to the *Protecting Young Victims from Sexual Abuse and Safe Sport Act of 2017*, USA Cycling has a legal obligation, and will meet its obligation, in reporting any suspicions of child abuse, including sexual abuse, it becomes aware of within 24 hours to:

- Law enforcement consistent with Sec. 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341); and
- The applicable State Law Enforcement agency; and
- The Center, if the matter involves a Participant or Adult Participant.

All other Sexual Misconduct reports received by USA Cycling will be reported immediately and no later than within 24 hours to:

- The Center; and
- The applicable State Law Enforcement agency when the allegation relates to a suspected crime.

USA Cycling will promptly inform an identified reporting party of its jurisdictional determination regarding a report of misconduct to USA Cycling, communicating that the matter is being referred to the Center or is being addressed by USA Cycling. For clarity, USA Cycling does not refer matters to its LAOs for response or resolution. USA Cycling will respond to requests from the Center within 72 hours for (i) the eligibility status of a Participant; or (ii) the existence of any USA Cycling-imposed temporary measures or safety plans.

The Center has the exclusive authority to investigate and resolve alleged violations of the Code involving sexual misconduct or child abuse. USA Cycling is obligated to and shall cooperate, to the extent permissible by law, with any investigation by the Center or law enforcement agency related to sexual misconduct or child abuse within the sport of cycling or otherwise. USA Cycling will not interfere, or attempt to interfere in, or attempt to influence the outcome of any investigation by the Center or law enforcement. USA Cycling retains the authority to investigate and resolve alleged violations of the Code or violations of USA Cycling's Safe Sport Program that are non- sexual in nature unless and until such time as the Center expressly exercises jurisdiction over the particular allegations. Also, at USA Cycling's request, the Center may exercise the

discretionary authority to take on cases of this nature.

D. USOPC NGB Athlete Safety Policy

USA Cycling will notify the USOPC's Security & Athlete Safety Office of any allegation of prohibited conduct that occurred at an Olympic & Paralympic Training Center (OPTC) or USOPC Delegation Event and any temporary measure(s) imposed.

USA Cycling will notify the USOPC's Security & Athlete Safety Office of any temporary measure(s) (imposed or removed) affecting Participants who might or will be attending a Delegation event, have access to an OPTC, or receive a benefit and/or service from the USOPC.

E. How reports that are non-sexual in nature are handled

To the extent permissible by law, USA Cycling may investigate, as appropriate, non-sexual allegations of violations of its Safe Sport Program and address them accordingly. Should USA Cycling receive a report of non-sexual misconduct which, as determined by USA Cycling, rises to the level of unlawful behavior, USA Cycling will make a report to the proper law enforcement agency. USA Cycling will not investigate if said investigation in any way interferes with a pending legal investigation or criminal prosecution.

Upon receipt of a report of allegations that are non-sexual in nature, USA Cycling will first determine if the matter is more appropriate for adjudication under Policy III: Administrative Grievances. If USA Cycling determines the matter is a potential violation of USA Cycling's Safe Sport Program, USA Cycling will proceed with its Safe Sport Resolution Process as outlined below.

F. Confidentiality

Reports of Safe Sport Program violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

To the extent permitted by law, and as appropriate, USA Cycling and its affiliates will keep confidential the complainant's name on request, not make public the names of potential victims, the accused perpetrator or the people who made a report of child physical or sexual abuse to the authorities.

G. Anti-Retaliation Policy

USA Cycling expressly prohibits retaliation before, during, and after the process (whether led by USA Cycling or by the Center) of resolving an abuse or misconduct allegation. No person who in good faith reports a Safe Sport Program violation shall suffer harassment or retaliation as a result of reporting. This Policy is intended to encourage and enable those with an obligation to

report violations to do so without fear of repercussion.

Regardless of outcome, USA Cycling will support the reporter and their obligation to report Safe Sport Program violations in good faith. USA Cycling will not tolerate attempts from an individual, group or organization to retaliate, punish, allow or in any way harm any person who reports a concern in good faith. Such actions against a person reporting a Safe Sport Program violation will be considered a violation of this Policy and grounds for disciplinary action.

H. Bad-Faith Allegations/Acting in Good Faith

Anyone reporting a Safe Sport Program violation must do so in good faith and have reasonable grounds for believing a violation has occurred. Any unsubstantiated allegations of Safe Sport Program violations that (1) were made maliciously or (2) were made knowingly to be false are prohibited and considered a serious offense. Such reports are grounds for disciplinary action. Depending on the nature of the allegation, a person making such a report may also be subject to civil or criminal proceedings.

II. Resolution Process

A. Procedures

The timing and scope of USA Cycling's investigation will be based on the particularities of the matter at issue. USA Cycling will follow its policies but reserves the right to modify its processes when deemed necessary.

i. Parties

The parties to an investigation and arbitration are USA Cycling and the Respondent. During the investigation, the Claimant and Respondent will have an opportunity to submit information and relevant evidence, to identify relevant witnesses, and to suggest questions that should be posed by the investigator to each other or to any witnesses.

Neither Claimants nor Respondents are required to participate in an investigation. If a Claimant or Respondent declines to cooperate or participate, USA Cycling will make its decision based on the available evidence or may choose not to proceed if it is not feasible to do so.

ii. Advisors

Claimant(s) and Respondent(s) have the right to choose and consult with an advisor throughout the resolution process and may be accompanied by their advisor at any meeting, interview or proceedings related to any stage of the resolution process.

Advisors may not speak or present on behalf of the Claimant or Respondent but

may provide support and advice to the parties.

iii. Recordings

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by USA Cycling.

B. Preliminary Inquiry

When USA Cycling receives allegations of misconduct within its jurisdiction, it will undertake a preliminary inquiry to determine whether or not there is reason to believe a violation of USA Cycling's Safe Sport Program has occurred and if the alleged misconduct was committed by a Participant.

If after the preliminary inquiry USA Cycling concludes there is reason to believe a violation of its Safe Sport Program has occurred, it will initiate proceedings, which may include an informal or formal resolution. If USA Cycling deems there is insufficient evidence or the allegations do not rise to the level of a Safe Sport Program violation, it may administratively close the issue with the option of reopening it in the future.

At any time prior to the final decision, USA Cycling may issue an informal resolution, which is a final disposition of the matter that does not need to be kept confidential.

C. Temporary Measures and Safety Plans

USA Cycling may impose temporary measures or safety plans to ensure the safety or well-being of any of the parties and may be issued at any time prior to the final decision. Temporary measures may include, but are not limited to, altering training schedules, providing chaperones, implementing contact limitations between the parties and suspensions. USA Cycling will work with the parties to identify genuine concerns for physical safety and may implement a safety plan.

D. Investigation

If USA Cycling decides to pursue a formal resolution, it may take the following steps:

1. Decide whether to investigate itself or retain a third-party investigator
2. Notify the Claimant and/or Third-party Reporter that USA Cycling is investigating the possible USA Cycling Safe Sport Program policy violation and inform them of the right to meet with the investigator and present evidence in support of the complaint along with the names and/or contact information of any potential witnesses with direct knowledge of the allegations.
3. Seek to interview the Respondent and advise the Respondent of the nature of the allegation before deciding the matter. The Respondent will be provided the opportunity to present a response to the allegations, including evidence

and the names and/or contact information of potential witnesses with direct knowledge of the allegations.

4. Seek to interview witnesses with direct knowledge of the allegations.
5. Seek evidence and take any other action USA Cycling may deem relevant to the investigation.
6. Review the evidence provided by a Third-party Reporter, Claimant, Respondent or any other source and document all investigative efforts.

E. Closing the Investigation and USA Cycling's Decision

At any point prior to the final resolution, USA Cycling may close the investigation if (a) USA Cycling could not conduct or complete the investigation, (b) it is determined USA Cycling does not have authority or jurisdiction over the alleged USA Cycling Safe Sport Program policy violation; or (c) it is determined there is no reason to believe that there has been a USA Cycling Safe Sport Program policy violation. USA Cycling may reopen a closed case at any time.

Upon completing the investigation, USA Cycling may request an investigation report that sets forth the findings of fact and references of disputed facts and any credibility assessments. The report will also state whether the Respondent violated USA Cycling Safe Sport Program policy(ies).

Once USA Cycling determines that no further investigation is necessary, USA Cycling will issue a Notice of Decision to the Respondent that (a) states whether a USA Cycling Safe Sport Program policy violation occurred, based on a preponderance of the evidence, (b) the USA Cycling Safe Sport Program policy violation, (c) and the sanction to be imposed, if any. The Notice of Decision will include a summary of the relevant facts, evidence relied upon and the rationale for the Decision. A copy of the Notice of Decision will also be provided to the Claimant. Names of witnesses and parties will be redacted.

Respondent must sign and return an Acceptance of Discipline form to USA Cycling. If the Acceptance of Discipline form, or a written demand for a hearing in accordance with Policy III: Grievances, is not received by USA Cycling within ten (10) days of receipt of the Notice of Decision, Respondent is deemed to have accepted the discipline included in the Notice of Decision, and waived their right to a hearing.

The person managing USA Cycling's Safe Sport Program is responsible for this policy and its enforcement. Please refer all inquiries and questions to:
USACyclingSafeSport@usacycling.org