



U.S. Association of Blind Athletes Athlete Safety Policy

Purpose:

To establish a United States Association of Blind Athletes (USABA) policy that assures a safe environment for athlete and non-athlete members who participate in USABA sanctioned events and programs.

Policy Statement:

USABA is committed to the safety and well-being of all athlete and non-athlete members who participate in USABA sanctioned events and programs. This will be accomplished by creating a safe and positive environment that is free of misconduct to include bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct and sexual misconduct. USABA's commitment extends to our role as a membership organization (including a training site in Fort Wayne, Indiana), as a United States Olympic and Paralympic Committee (USOPC) Multi-Sport Organization and as the USOPC High Performance Management Organization for the sport of goalball. This policy supports the SafeSport Code for the U.S. Olympic and Paralympic Movements.

Along with this commitment, USABA establishes the following policy that applies to our employees, contractual staff, independent contractors, coaches, USABA referees, guides, pilots, and athletes USABA designates for the U.S. Anti-Doping Agency (USADA) required testing pool (RTP).

1. Covered Individuals:

This policy applies to the following groups or individuals who are over 18 years of age:

- A. USABA employees and individuals whom USABA formally authorizes, approves or appoints to (a) serve in a position of authority over or (b) have regular contact with athletes. This shall include, but is not limited to, USABA staff, officials, coaches, board members, coordinators, local affiliated administrator/directors, trainers, independent contractors, volunteers, medical personnel, and other individuals authorized or nominated by the USABA to work with athletes or other sport participants while at a Responsible Sport Organization Training Site 3or competition event to which the Responsible Sport Organization sends athletes.
- B. Assistants, or personal care assistants who are funded, have a contractual obligation with, or are credentialed by USABA, or otherwise have regular contact with USABA athletes.
- C. All athletes and alternates, training partners, and guides 18 years of age or older who are selected by USABA to participate in national or international team, or Delegation Events. Individuals referenced in this subsection shall have 45 days after reaching the age of majority (18 years of age), to come into compliance with this background check policy.
- D. All athletes and alternates, training partners, and guides 18 years of age or older that are selected by USABA to train at any Olympic & Paralympic Training Center, USOPC High Performance Training Center, or USABA Training Site.
- E. Other individuals who have regular contact with athletes as determined by USABA, in its discretion.



F. In addition to the individuals identified above, when USABA partners with community organizations for events, USABA shall ensure that any partnership agreement includes language imposing background check requirements for applicable individuals. The partner community organization shall, upon request by the USABA, be responsible for conducting the mandated background checks and providing evidence to establish that the mandated background checks were conducted.

2. Prohibited Conduct:

Employees, contractual staff, independent contractors, coaches, USABA referees, guides, pilots, and athletes USABA designates for the U.S. Anti-Doping Agency (USADA) required testing pool (RTP) must refrain from all forms of misconduct, including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct as set out in the SafeSport Code for the U.S. Olympic and Paralympic Movements (the "Code") as adopted by the USCSS, and all other policies or procedures issued or adopted by the USCSS.

Additional details regarding each type of misconduct listed above can be found in the SafeSport Code for the U.S. Olympic and Paralympic Movement (<https://safesport.org/policies-procedures>).

Additionally, prohibited misconduct shall include, without limitation, the following:

Romantic or sexual relationships, which began during the sports relationship, between athletes and/or other participants and those individuals (i) with direct supervisory or evaluative control, or (ii) who are in a position of power and trust and authority over the athlete or other participant. Except in circumstances where no imbalance of power exists, coaches have this direct supervisory or evaluative control and are in a position of power and trust over those athletes or participants they coach. Individuals with positions of power and trust and authority over an athlete include coaches, employees, contractual staff, board of directors' members, trainers, and key volunteers.

The prohibition on romantic or sexual relationships does not include those relationships where it can be demonstrated there is no imbalance of power. For example, this prohibition does not apply to a pre-existing relationship between two spouses or life partners.

3. Criminal Background Checks:

USABA shall conduct criminal background checks, at least every two years, for all "Covered Individuals" as defined in Section I.A above. In adherence with the USOPC Athlete Safety Policy, background checks must be completed for any adult U.S. residents residing at a USOPC Olympic Training Center. In addition, background checks will be run prior to the commencement of an individual's new role within USABA or new competition. As used in this Section, a person who is required to undergo a background check will be referred to as a "USABA Designee."

Additionally, criminal background checks are required for any non-athlete individuals who stay or work at Olympic Training Centers or at USABA's Goalball Residential Training Program housing. USABA will accept current and favorable background checks from the National Center for Safety Initiatives (NCSI).



A supplemental, partial, background check will be conducted in the off-years using at least the background check search components referenced in Section II.B of the RSO Background Check Policy.

The information revealed by the criminal background check may disqualify a USABA Designee from participating in USABA programs and events. Any conviction, guilty plea, plea of no contest, deferred sentence, deferred adjudication, or similar disposition of any of the following may result in disqualification:

Automatic Disqualifiers (“Red Lights”)

- Any felony crime involving violence against a person using a firearm or other weapon within the previous 10 years;
- Any felony crime of a sexual nature or classified as a sex offense regardless of the amount of time since the offense; and
- Any felony crime involving child endangerment, neglect or abuse within the previous seven (7) years.

A felony crime is any crime punishable by greater than one year in jail or prison, regardless of how characterized by a jurisdiction. This includes crimes punished by a range, alternate sentencing, or indeterminate sentencing, where the outer range is greater than one year.

Potential Disqualifiers (“Yellow Lights”)

- Any misdemeanor involving: a. All sexual crimes, criminal offenses of a sexual nature to include but not limited to; rape, child molestation, sexual battery, lewd conduct, possession and distribution of child pornography, possession and distribution of obscene material, prostitution, indecent exposure, public indecency, and any sex offender registrant;
- Any drug related offenses;
- Harm to a minor and vulnerable person, including, but not limited to, offenses such as child abandonment, child endangerment/neglect/abuse, contributing to the delinquency of a minor, and DUI with a minor;
- Violence against a person (including crimes involving firearms and domestic violence);
- Stalking, harassment, blackmail, violation of a protection order and/or threats;
- Destruction of property, including arson, vandalism, and criminal mischief;
- Animal abuse or neglect; and
- Any felony.

Pending Court Cases



No decision will be made on a prospective USABA Designee's eligibility if he or she has a pending court case for any of the potentially disqualifying offenses until the pending case concludes. If, however, during the case's pendency, USABA undertakes an independent investigation and conducts a hearing, any determination may be used to disqualify the prospective USABA Designee.

FULL DISCLOSURE

Each USABA Designee and prospective USABA Designee has the affirmative duty to disclose his or her criminal history. Failing to disclose or intentionally misrepresenting an arrest, plea or conviction history is grounds for USABA member status revocation or restriction, regardless of when the offense is discovered. USABA Designees need not disclose arrests in which charges were not filed, charges were dismissed or the USABA Designee was acquitted; however, USABA Designees are required to disclose "non-convictions" involving deferred sentences, deferred adjudications or other similar dispositions.

USABA Designees have the ongoing duty to disclose criminal history. In the event a USABA Designee (i) is arrested, (ii) enters a guilty plea or (iii) is convicted of a criminal offense other than a traffic offense, he or she has an affirmative duty to disclose such information immediately to the Chief Executive Officer, USABA, at (719) 866-3224.

Any USABA Designee who has been banned by another sport organization, as temporarily or permanently ineligible, must self-disclose this information. A failure to disclose is a basis for disqualification.

FINDINGS

USABA's criminal background check report will return a "green light," "red light," or "yellow light" finding.

Misdemeanor crimes exclude infractions, violations and the like.

A **green light** finding means that the background check vendor located no records that would disqualify the individual. A green light score, however, is not a certification of safety or permission to bypass/ignore other screening efforts. Other disqualifying factors may exist and can be revealed through other means.

A **red light** finding means the criminal background check revealed criminal records which suggest the individual "does not meet the criteria" and is not suitable for USABA Designee status. An individual subject to disqualification under a red light finding may challenge the accuracy of the reported information reported by the criminal background check vendor but not the consequence of disqualification.

A **yellow light** finding means that the individual may be subject to disqualification; however, an individual with a yellow light finding may seek an exemption from the USABA Disciplinary Committee. In order to receive an exemption from disqualification, the individual must demonstrate that the conviction or charge does not violate the spirit of SafeSport and that he or she poses no risk to the sport. In order to seek an exemption from disqualification, contact the USABA Chief Executive Officer at (719) 866-3224.

APPEAL TO CRIMINAL BACKGROUND CHECK VENDOR

Any disqualified individual has the right to dispute the findings of the criminal background check directly with USABA's approved criminal background check vendor. An individual may not appeal the findings of the



criminal background check vendor or the automatic disqualification resulting from a red light finding to USABA. USABA is required by this Criminal Background Check policy to accept the findings of the criminal background check vendor. Individuals automatically disqualified are excluded from participation in any USABA program or sanctioned events and/or activities as a USABA Designee. Such individuals shall not be granted membership in USABA.

AFFIRMATIVE DUTY TO DISCLOSE

If a USABA Designee is accused, arrested, indicted or convicted of a criminal offense set out above or other criminal offense against a child, it is the duty and responsibility of the USABA member to immediately disclose this information to the USABA Chief Executive Director at (719) 866-3224.

OTHER POTENTIALLY DISQUALIFYING FACTORS

Even if an individual passes a criminal background check, USABA may determine that an individual may be disqualified and prohibited from USABA member status if the individual has:

- Been held liable for civil penalties or damages involving sexual or physical abuse of a minor;
- Been subject to any court order involving any sexual or physical abuse of a minor, including but not limited to domestic order or protection;
- A history with another organization (employment, volunteer, etc.) of complaints of sexual or physical abuse of minors; or
- Resigned, been terminated or been asked to resign from a position - paid or unpaid – due to complaint(s) of sexual or physical abuse of minors.

REVIEW OF DISQUALIFIERS

USABA will review its disqualifiers from time to time or as otherwise required or modified by law.

4. Education and Training:

Effective with the issuance of this policy, USABA shall require education and training concerning the key elements of this Athlete Safety Policy and the USCSS SafeSport program for Adult Participants (i.e., employees, board members, contractual staff, coaches, guides, pilots and USABA referees who have direct supervision over athletes). Please see the [MAAPP](#) policy for a list of Adult Participants (Link here). Training will include review of this policy document, USABA's MAAPP (to include the Education and Training Policy and Prevention Policies), and completion of USCSS SafeSport training. This policy also extends to any non-athlete USABA authorizes to train, reside or work at USABA Goalball Resident Program housing and staying on-campus at a USOPC Olympic and Paralympic Training Center. Individuals will be required to demonstrate successful completion of USCSS SafeSport Training before being granted access to USABA sanctioned events and to Olympic Training Centers or USABA Goalball Resident Program housing. This policy document and a link to access USCSS SafeSport training will be posted in a prominent location on the USABA website and mentioned in periodic USABA newsletters.



The above listed Adult Participants are required to complete training concerning child abuse prevention:

- Before regular contact with an amateur athlete who is a minor begins; or
- Within the first 45 days of initial membership, or upon beginning a new role subjecting the adult to this policy.

Refresher Course(s)

A refresher course is required on an annual basis beginning January 1st of each year, effective the calendar year following the completion of the Core Center for SafeSport Training for each of the above listed adults at USABA.

Minor Athletes

USABA shall, subject to parental or guardian consent, annually offer and give training to members who are minors regarding prevention and reporting of child abuse. USABA shall track:

- A description of the training(s);
- The date the training(s) was offered and given; and
- A description of how the training(s) was offered and given.

<https://www.usaba.org/membership/safe-sport/>

6. Reporting

The process for issuing a report of complaint or accusation of misconduct as outlined in this policy and the [USABA Minor Athlete Abuse Prevention Policy](#) from any individual will be to report to either the USABA Chief Executive Officer, USABA Athlete Representative, or to the USOPC Director of Athlete Safety and, when applicable, to local law enforcement authorities. For reports of misconduct in violation of the US Center for SafeSport (USCSS) Code in terms of physical, emotional, and sexual misconduct, reports can be made directly to the USCSS.

No direct fees or other cost is involved in making a report. Contact your local authorities if you have a reasonable suspicion that child sexual abuse or neglect has occurred. All reports of child abuse or sexual assault of a minor must also be reported to local authorities. Reports of abuse not involving a minor may also be reported to local authorities. Reports to USABA or the U.S Center for SafeSport may be anonymous. However, to assist in investigation, they will be encouraged to be made with the identity of the accuser or reporter being identified. This process will be included in the training and education described above. USABA will establish and ensure a reporting process for complaints issued and the findings. If a report is associated with USABA's role as a USOPC Multi-Sport Organization or with USABA's role as a USOPC High Performance Management Organization for goalball, reports shall be made to the USOPC and any applicable legal agencies as appropriate.



A link to report complaints or accusations will be included on the USABA website on the Safety Initiatives page in a prominent place along with links for training materials. A list of Suspended Members based upon the confirmation of misconduct decided during an investigation by the USABA Judicial Board will be available on the USABA website on the Safety Initiatives page in a prominent place.

Report alleged violations of the Minor Athlete Abuse Prevention Policy and alleged emotional or physical misconduct to USABA:

- Phone: (719) 866-3224 (calls directed to Chief Executive Officer or Athlete Representative)
- Email: [Chief Executive Officer](#) or [Athlete Representative](#)

Report alleged sexual misconduct to the US Center for SafeSport:

- Phone: (720) 531-0340
- Online: <https://uscenterforsafesport.org/report-a-concern/>

Report misconduct to USOPC:

- Phone: (719) 866-3869
- Email: safesport@usoc.org
- Online: <https://www.teamusa.org/SafeSport-Reporting-Form>

Federal law requires all suspected child abuse, including sexual abuse, to be reported to both the USCSS and appropriate law enforcement authorities immediately. USABA and USOPC do not investigate suspicions or allegations of child physical or sexual abuse, or attempt to evaluate the credibility or validity of such allegations as a condition for reporting to the appropriate law enforcement authorities.

HOW TO REPORT

USABA and USOPC will accept a report in whatever way is most comfortable for you including an anonymous, in-person, verbal, or written report. Regardless of how you choose to report, it is helpful if the report includes the following information:

- name(s) of the complainant(s);
- type of misconduct alleged;
- name(s) of the individual(s) alleged to have committed the misconduct;
- approximate dates the misconduct was committed;
- names of other individuals who might have information regarding the alleged misconduct; and
- a summary statement of the reasons to believe that misconduct has occurred.



Reports to USOPC may be made on an Incident Reporting Form, which can be found on the USOPC website at: <https://www.teamusa.org/SafeSport-Reporting-Form>.

All reports of suspected child abuse made to the USABA and USOPC will be forwarded to the USCSS and appropriate law enforcement authorities.

If any allegations come up at a USOPC training site or Delegation Event, those allegations and any temporary measures imposed will be reported directly to the USOPC Office of Athlete Safety at once. USABA will notify the Office of Athlete Safety 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.

CONFIDENTIALITY, ANONYMOUS REPORTING AND BAD FAITH ALLEGATIONS

To the extent permitted by law, and as appropriate, the USABA and USOPC will, on request, keep confidential the names of the complainant, the potential victims, and the accused perpetrator.

However, anonymous reporting may make it difficult for the USABA and USOPC to properly address allegations.

Regardless of the outcome, the USABA and USOPC will support the complainant(s) and his or her right to express concerns in good faith. The USABA and USOPC will not encourage, allow or tolerate attempts from any individual to retaliate, punish, allow, or in any way harm any individual(s) who reports a concern in good faith. Any allegations of such retaliation should be reported using the same process as for reporting an initial concern.

A report of abuse, misconduct or policy violations that are malicious, frivolous or made in bad faith, is prohibited. Depending on the nature of the allegation, a person making a malicious, frivolous or bad-faith report may also be subject to civil or criminal proceedings.

7. Enforcement:

- a.** USABA's Grievance, Complaint and Appeal Procedures (<https://www.usaba.org/membership/safe-sport/>) as referenced in the previous section, are materially free of bias and conflicts of interest, to address allegations of misconduct following the report of complaint of misconduct which were adjudicated under a criminal background check. All reports of suspected child abuse made to the USABA and USOPC will be forwarded to the USCSS and appropriate law enforcement authorities.
- b.** In cases where the Ted Stevens Act applies, USABA will comply with the Act's requirements.
- c.** The CEO may suspend or impose restrictions of any USABA member who is under investigation by the U.S. Center for SafeSport or any law enforcement authority. Upon request, the CEO shall give the suspended member an opportunity to be heard concerning the propriety for an interim suspension. (Approved by Board of Directors on 2/24/2022)

Additional Terms of This Policy:



This Athlete Safety Policy may be amended from time to time by the USOPC. Additionally, USABA shall be guided by the principle that the health, safety and well-being of our athletes are fundamental elements of our managerial responsibility.

USABA understands that failure to meet the minimum standards as set forth by this policy may result in disciplinary action by the USOPC including, without limitation, loss of status as a USOPC Multi-Sport Organization and loss of status and USOPC support as the High-Performance Management Organization for goalball.

Additionally, an individual who has committed a SafeSport violation who receives USOPC benefits may, at the discretion, lose those benefits. Benefits that may be lost or restricted may include, but are not limited to, athlete support payments, tuition grants, use of and residence at Olympic Training Centers (including the Goalball Center of Excellence Resident housing), elite athlete health insurance, alumni relations programs, athlete marketing programs, athlete ambassador programs, athlete service centers, career assistance programs, media services, USOPC workshops, conferences and summits, personal development programs, sports medicine and performance services, and sports coaching and education programs. Additionally, individuals may lose opportunities to participate in or be associated with the U.S. delegation at a Delegation Event and any other competition or event as determined by the USOPC.