



Member, U.S. Olympic Committee

## Adjudicating SafeSport Cases Under the Jurisdiction of USA Surfing

1. A SafeSport matter is referred to the U.S. Center for SafeSport Response and Resolution Office (Office) or to USA Surfing (USAS) or its Judicial Committee, who in turn refer it to the Office.
2. “The Office has exclusive authority over (a) actual or suspected sexual misconduct by a Covered Individual; and (b) misconduct that is reasonably related to an underlying allegation of sexual misconduct, as set forth in the Code. Exclusive authority means that (a) only the Office will investigate and manage any related hearings involving sexual misconduct and (b) neither the NGB nor USOC will conduct its own investigation or arbitration with respect to possible sexual misconduct, except as otherwise provided.” (Procedures, I.B.1.)
3. Neither criminal nor civil statutes of limitations apply to the SafeSport Code for the Olympic and Paralympic Movement (Code) or the SafeSport Practices and Procedures for the U.S. Olympic and Paralympic Movement (Procedures) (Procedures I.B.a.)
4. If the Office does not accept the matter within its discretionary power and they refer it back to the NGB, these procedures will be used to resolve the matter. These USA Surfing procedures will also be used for any SafeSport matter raised with the NGB, where the NGB determines it is not necessary to refer it to the Office.
5. USA Surfing or any member of USA Surfing may file a complaint against another member of USA Surfing, or former member of USA Surfing if the action occurred while the individual was a member, regarding any alleged violation of USA Surfing Code of Ethics, USA Surfing SafeSport Policy, or any other rule or regulation relating to conduct. (USAS Bylaws 13.1)
6. The Judicial Committee:
  - a. “generally, administer and oversee all administrative grievances and right to compete matters filed with USA Surfing;” (USAS Bylaws 8.15 b.1.)
  - b. “hear and render a decision or appoint a panel to hear and render a decision, on grievances and disciplinary matters;” (USAS Bylaws 8.15 b.3.)

7. "Respondents shall be afforded basic due process rights." (USAS Bylaws 13.9)
8. "The Judicial Committee may promulgate procedures in addition to those set forth in the Bylaws for the effective administration of complaints filed with USA Surfing." (USAS Bylaws 13.9)
9. "Any member of USA Surfing, by reason of membership, agrees to be subject to these complaint procedures and agrees to be bound by any decision rendered pursuant to these complaint procedures." (USAS Bylaw s 13.2)
10. "The hearing panel shall set such timelines and other rules regarding the proceeding and the conduct of the hearing as it deems necessary." (USAS Bylaws 13.11)
11. There are no direct fees or other cost involved in making a report of a SafeSport violation (NGB Athlete Safety Policy)
12. The standard of proof is a preponderance of the evidence (Procedures I.D)
13. The Judicial Committee determines the extent of any investigation necessary to rule on the matter.
14. If there is an investigation (independent or otherwise), the Judicial Committee shall convene to consider the report.
  - a. The Reporting Party and Responding Party are not present for the meeting
  - b. The NGB presents any independent investigation, police reports/actions/conclusions, court actions, and documents in support of the investigation to the Judicial Committee
15. Based on those reports, the Judicial Committee issues its recommendations to the NGB for any possible action or sanctions
16. Any party in the report that receives a recommended sanction shall be entitled to receive a summary of any relevant materials that were relied on by the Judicial Committee in arriving at the recommended sanction.
17. Any party in the report that receives a recommended sanction may:
  - a. Accept the sanction as recommended as a final decision in the case, or
  - b. Not accept the recommendation and within five (5) business days request a hearing to challenge the Judicial Committee/NGB recommended sanction.
    - i. The hearing will be heard by a three person, fair and impartial panel (including one athlete) appointed by the Judicial Committee and not to include anyone who sat on the original hearing
    - ii. At least one (1) member of the hearing panel shall be an athlete.

- iii. Members of the panel need not be members of USA Surfing or involved in the sport of Surfing (USAS Bylaw 13.10)
- iv. No USA Surfing Board of Directors may serve on the Panel
- v. Challenges to the composition of the hearing panel, if any, will be considered and ruled upon by the Judicial Committee
- vi. The Responding Party may present their case, aided by counsel if they desire.
- vii. The Reporting Party shall have no role in prosecuting the case at the hearing
- viii. The hearing will be held within two weeks of the request, if possible
- ix. If the athlete does not make themselves available in the two week period, the recommended sanction will become a temporary sanction until such time as the athlete has their hearing
- x. Unless otherwise approved by the Judicial Committee or hearing panel, if the athlete does not present for a hearing within two months, the recommended sanction shall become permanent

18. A party may only request a hearing to challenge the recommended sanction of that party with the exception of #19 below.

19. If the Hearing Panel finds there is no violation of the Code by the Responding Party, the matter will be closed. If however the Reporting Party is an Athlete or Non-athlete Participant (as defined in the Code), then the Reporting Party may initiate arbitration within five (5) business days to request a finding that the Responding Party violated the Code. (Procedures III.D.6.a.)

20. The Panel will issue a reasoned written decision. Where time dictates, they may issue an abbreviated decision with the reasoned written decision to follow.

21. A party may also have additional rights under Section 9 of the United States Olympic Committee (USOC) Bylaws.