



## Athlete Safety Policy

**Purpose:** To establish clear policy, communication, and coordination requirements for USA Breakin' (USAB) Participants and USAB committees.

**Policy Statement:** USAB is committed to the safety and wellbeing of athletes and Participants, as defined by the U.S. Center for SafeSport's (USCSS) SafeSport Code for the Olympic and Paralympic Movements (the "Code" which can be found at <https://uscenterforsafesport.org>), involved in the U.S. Olympic and Paralympic Movement. As part of this commitment, the USAB's policy, prevention, and education efforts aims to create an environment free of emotional, physical and sexual misconduct and abuse, and to ensure effective and prompt action and resolution upon the occurrence of misconduct and/or abuse. Federal legislation and the USCSS both promulgate rules, policies, and procedures to protect and govern the wellbeing of athletes and this policy reinforces and builds on those principles by providing specific application for USAB.

### Section 1. Definitions

#### 1.1. Terms

Capitalized and italicized terms are defined terms for purposes of this Athlete Safety Policy (the "Policy"). This means that they have a specific meaning whenever they are used in this Policy. Section 13 sets out all defined terms for purposes of this Policy, and their meanings.

### Section 2. Definitions

#### 2.1. Participants

This *Policy* applies to those individuals defined as Participants by the USCSS's *SafeSport Code*, and this definition is incorporated into this *Policy*. Specifically, this *Policy* applies to the following individuals ("*Participants*"):

- 2.1.1. USAB employees;
- 2.1.2. Members of the USAB Board of Directors and Athletes Council;
- 2.1.3. All *USAB Contracted Staff* (defined in Section 13);
- 2.1.4. Members of standing committee and task forces authorized by the USAB;
- 2.1.5. All individuals authorized, approved or appointed by the USAB to be a member of the US Delegation at a *USAB Delegation Event* (defined in Section 13);
- 2.1.6. Individuals serving as a USAB contracted program coach or personal coaches receiving funding through the USAB;
- 2.1.7. Athletes in the following additional categories:
  - 2.1.7.1. Athletes training and/or residing at an Olympic & Paralympic Training Center ("*OPTC*");
  - 2.1.7.2. Athletes authorized, approved, or appointed by the USAB to attend or participate in a *USAB Sponsored Event* (defined in Section 13).



- 2.1.8.** Volunteers, vendors or other individuals who are authorized, approved, or appointed by the USAB to attend or participate in a *USAB Sponsored Event*; and/or have access to an OPTC and:
- 2.1.8.1.** Have authority over and/or regular contact with athletes; and/or
  - 2.1.8.2.** Have direct contact with athletes in a non-public space; and/or
  - 2.1.8.3.** Have access to athletes or athlete areas, in a non-public space.
- 2.1.9.** Any other individual determined by the USAB to be a “*Participant*.”
- 2.1.10. Exception**

In limited circumstances, the Athlete Safety Committee may determine an individual(s) otherwise meeting the definition of *Participant* in 2.1 will not be deemed to be a *Participant(s)*.

## **2.2. USAB Committee Responsibilities**

Each USAB Department will undertake the following:

### **2.2.1. Identification of Participants**

Each USAB Committee is responsible for the identification of individuals who meet the definition of *Participant*.

### **2.2.2. Vetting of Participants**

Each USAB Department will work with the Athlete Safety Committee to vet *Participants* it identifies under Section 2.2.1 against the internal and USCSS’s adjudication logs.

### **2.2.3. Tracking Compliance with Education and Training Requirements**

Each USAB Committee will track compliance with education and training requirements for *Participants* it identifies under Section 2.2.1.

### **2.2.4. Enforcement of Temporary Measures and Sanctions**

Each USAB Committee will assist in the enforcement of *Temporary Measures* (defined in Section 13) and sanctions as communicated by the Athlete Safety Committee.

## **Section 3. Jurisdiction**

### **3.1. Coverage**

For purposes of this *Policy*, the USAB shall have jurisdiction to investigate, and resolve, allegations of *Prohibited Conduct* (as defined in Section 5) that are not within the USCSS’s exclusive jurisdiction or where the USCSS declines jurisdiction AND one of the following applies:

- The USCSS has referred the matter to the USAB;
- The allegations involve a *Respondent* (defined in Section 13) who is a USAB *Participant* as identified in Section 2.1 above;
- The alleged Prohibited Conduct took place at:
  - A USAB Delegation Event;
  - A USAB Sponsored Event;
  - An OPTC;



- An office of the USAB; or
- Any other event, including but not limited to, travel, lodging, practice, competition, and health or medical treatment, which is organized, operated, formally sanctioned, or formally authorized by the USAB;
- The alleged *Prohibited Conduct* took place during proceedings, including investigations and hearings, addressed in this *Policy*.

#### **3.1.1. Exception**

In limited circumstances, USAB may refer allegations of *Prohibited Conduct* for which the USAB would otherwise have jurisdiction to the appropriate *PSO* or *HPMO*.

### **3.2. USAB Employees**

Allegations of *Prohibited Conduct* (as defined in Section 5) against USAB employees will be addressed through the USAB's employment policies, and may also be addressed under this *Policy*.

## **Section 4. Prevention Policies**

### **4.1. Background Check Policy**

Certain individuals are subject to, and must comply with, the USAB's Background Check Policy and Procedures, which can be found at USAB Background Check Policy and Procedures (and can also be found on the USAB Policies and Procedures page on the USAB website).

### **4.2. Training and Education**

#### **4.2.1. Adults Required to Complete Mandatory USAB Training**

The following adults at the USAB must remain current with the USAB's education and training requirements, which includes by complying with Sections 4.2.2 and 4.2.3, below:

- Adult *Participants* who have regular contact with amateur athletes who are *Minors* (defined in Section 13);
- An adult authorized by the USAB to have regular contact with or authority over an amateur athlete who is a *Minor*;
- Adult staff and board members of the USAB;
- Other adults as determined by the USAB in its discretion, or as required by the *USCSS*.

#### **4.2.2. USAB SafeSport Training**

The individuals listed above must complete USAB's SafeSport Training:

- Within 30 days after beginning a new role that makes the adult subject to this *Policy*; or, if earlier,
- Before regular contact begins with an amateur athlete who is a *Minor*.

The USAB SafeSport Training is available at <https://USABreakin.org/>



#### **4.2.3. Refresher Course**

The individuals listed above must also complete the refresher course on an annual basis starting the calendar year following completion of the Core Center for SafeSport Training. The refresher courses are available at <https://safesport.org/>.

#### **4.2.4. Additional USAB Training and Requirements**

USAB may require the individuals listed above and other *Participants* to take additional athlete safety training.

#### **4.2.5. Minor Training**

USAB will, subject to parental/guardian consent, annually offer and provide training to *Participants* who are *Minors* on prevention and reporting of *Child Abuse*. USAB will 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.

#### **4.2.6. Exemptions**

Exemptions from these training and education requirements may be made on a case-by-case basis for victims/survivors. Requests may be made directly to USAB at [athlete.safety@USAB.org](mailto:athlete.safety@USAB.org).

#### **4.2.7. Accommodations**

USAB will work with individuals with disabilities on a case-by-case basis, to develop appropriate accommodations so they may satisfy the training and education requirements of this *Policy*.

## **Section 5. Prohibited Conduct**

The following constitutes “*Prohibited Conduct*” under this *Policy*:

### **5.1. Violation of the USCSS SafeSport Code**

USAB adopts and incorporates herein the definitions of Prohibited Conduct, as defined in the USCSS SafeSport Code (which can be found at <https://uscenterforsafesport.org/>). Any defined terms in the Prohibited Conduct definitions of the *Code* shall have the same meaning in this *Policy*. Some definitions of Prohibited Conduct in the *Code* may refer to the Center. For purposes of this *Policy*, those references to the Center will mean USAB.

*Participants* are prohibited from engaging in conduct (or failing to report misconduct and/or abuse, if applicable) in violation of the *Code*. In addition, all *Participants* are subject to the *Code* and the jurisdiction of the USCSS.



## 5.2. Violation of the USAB Process

*Participants* are prohibited from engaging in the following conduct related to the USAB's procedures:

### 5.2.1. Failure to Report Prohibited Conduct

Failing to make a report as required under this *Policy*.

### 5.2.2. Other Violations of the USAB's Process

Any of the following conduct, as defined in the *Code*, constitutes *Prohibited Conduct*. For the sake of clarity, where the *Code* refers to the USCSS and its processes when discussing those violations, it will be interpreted to apply to USAB and its processes.

- Retaliation
- Aiding and Abetting
- Intentionally Filing a False Allegation, and
- Abuse of Process

## Section 6. Reporting

This Section provides guidance on what to report, to whom to report and how to do so. The reporter's vital job is simply to report the allegation to the appropriate entity(ies). DO NOT evaluate the credibility of the allegation, gather additional information, or investigate it. Individuals should contact the Investigative and Ethics Committee with any questions or if they need assistance with reporting.

### 6.1. Mandatory Reporter Designation

Although USAB strongly encourages all *Participants* to report allegations of *Prohibited Conduct*, adult *Participants* are mandatory reporters under this *Policy*. If an adult *Participant* learns of any allegation of *Prohibited Conduct* they must report the allegation as follows:

### 6.2. Sexual Misconduct and Child Abuse

- Report *Sexual Misconduct* and *Child Abuse* to the USCSS for SafeSport.
  - **Online:** <https://uscenterforsafesport.org/report-a-concern/>
  - **Phone:** 720.531.0340
  - If a *Participant* becomes aware of an allegation of sexual misconduct or child abuse the *Participant* **MUST** report this to the USCSS **IMMEDIATELY**.

—AND—

- **Report *Child Abuse* to Law Enforcement Important:**
  - **Important:** If an adult *Participant* learns of information and reasonably suspects that a *Minor* has suffered an incident of *Child Abuse* (to include neglect, physical, emotional, and sexual abuse) they **MUST** report this to law enforcement (or in some states child protective services) **AND** the USCSS **IMMEDIATELY**. **Filing a report with the USCSS does not satisfy the reporting requirement to law enforcement.**



- Please see <https://www.childwelfare.gov/topics/responding/reporting/how/> for more information on reporting to law enforcement/child protective services.

### 6.3. Reporting Emotional or Physical Misconduct, or other Prohibited Conduct Violations

- Promptly report it to the USAB Investigative and Ethics Committee
- **Online:** <https://www.usabreakin.org>
- **Phone:** 719.866.3869.
- **Report in-person directly to the Investigative and Ethics Committee.** If a reporter chooses this option, the Investigative and Ethics Committee will talk the reporter through the various options for reporting and will help to ensure that they satisfy their reporting obligations.
- **Nothing precludes a reporter from reporting emotional or physical misconduct, or other Prohibited Conduct Violations to the USCSS.** While the USCSS has the exclusive jurisdiction for response and resolution of allegations of *Sexual Misconduct*, it may also assume discretionary jurisdiction over other forms of abuse. If it does not assume jurisdiction, it has a process to route the allegation to the appropriate entity (*HPMO*, *PSO*, or *USAB*) for response and resolution.

### 6.4. Criminal Charges and Dispositions

Adult Participants are required to report to the USCSS Criminal Charge(s) and Disposition(s) (as defined in the Code) against any known Participant involving Sexual Misconduct or misconduct involving Minors. All other Criminal Charges and Dispositions must be reported to the USAB.

### 6.5. Escalation of Reports

If an individual feels that the USAB Investigative and Ethics Committee has failed to act upon the information reported, not managed the matter appropriately, or feels there is an inherent conflict of interest in reporting the matter to the USAB Investigative and Ethics Committee, they may escalate these concerns to the USAB President. Individuals can make their report by email ([ethics@usabreakin.org](mailto:ethics@usabreakin.org)) or in person ([president@usabreaking.org](mailto:president@usabreaking.org)).

If an individual feels that there is a conflict of interest in reporting the matter to the USAB Investigative and Ethics Committee or that the Investigative and Ethics Committee has been unresponsive to their inquiry, they may escalate the matter to the USAB President. Similarly, if an individual feels that there is a conflict of interest in reporting the matter to the USAB President or that the President has been unresponsive to their inquiry, they may further escalate the matter to the Vice President of the USAB Board of Directors.

Making a report pursuant to this section does not relieve an individual of their duty to report to law enforcement or the USCSS, if required.

### 6.6. Self-Reporting

Nothing in this policy requires a victim/survivor of *Child Abuse* or other misconduct to self-report.



### 6.7. Anonymous Reports

Reports may be made anonymously to USAB. It does **not** mean that the underlying information will be protected. However, an anonymous report may limit the USAB's ability to investigate and respond to a report, and if an adult *Participant* reports anonymously, it may not be possible for the USAB to verify that mandatory reporting obligations have been satisfied. For these reasons, the USAB strongly encourages adult *Participants* to provide their name and contact information when reporting.

### 6.8. Privacy

When a report is filed with USAB, USAB will make reasonable efforts to protect the privacy of individuals involved, while balancing the need to gather information to assess a report and to take steps to eliminate *Prohibited Conduct*.

#### 6.8.1. Information Sharing

Information will be shared as necessary with USAB staff and counsel, witnesses, the parties, relevant *PSOs/HPMOs*, and law enforcement.

#### 6.8.2. Parents/Legal Guardians

USAB reserves the right to notify parents/legal guardians of *Minors* involved in the process.

#### 6.8.3. Third-Party Reporters

USAB may, in its discretion, share information with *Third-Party Reporters* (as defined in Section 13) as necessary. However, nothing in this *Policy* gives a *Third-Party Reporter* a right to updates or other information on a matter once a report is made.

## Section 7. Intake, Investigation, and Initial Resolution Proceedings

### 7.1. Initiating Proceedings and Routing Reports

When USAB receives a report of allegations that falls within its jurisdiction, it will notify any relevant *PSO* or *HPMO*, conduct a preliminary inquiry, and, if appropriate, undertake an investigation to determine whether a *Participant* engaged in *Prohibited Conduct*.

**Note:** If USAB receives a report that a child has suffered an incident of *Child Abuse*, it will immediately report the suspected abuse to both law enforcement and the *USCSS*. If USAB receives a report of *Sexual Misconduct*, it will immediately report the alleged misconduct to the *USCSS*. However, this does not relieve an individual of their duty to report to law enforcement or the *USCSS*, if required.





## **7.2. Effect of Criminal or Civil Proceedings**

Because the standards for finding a violation of criminal law are different from the standards for finding *Prohibited Conduct*, the resolution of a criminal proceeding without a *Criminal Disposition* does not decide (but may be relevant to) whether *Prohibited Conduct* has occurred.

Conduct may be *Prohibited Conduct* even if the *Respondent* is not charged, prosecuted or convicted for, is acquitted of a criminal charge for, or legal authorities decline to prosecute, the behavior that could constitute potential *Prohibited Conduct*.

Apart from the application of this *Policy* as it relates to Criminal Charge(s) and Disposition(s), USAB's resolution will not be precluded merely because (a) a civil case or criminal charges involving the same incident or conduct have been filed, (b) criminal charges have been dismissed or reduced; or (c) a civil lawsuit has been settled or dismissed.

### **7.2.1. Statute of Limitations or Other Time Bars**

No criminal, civil, or rules-based statutes of limitations or time bars of any kind prevent USAB from investigating, assessing, considering and adjudicating any allegation regardless of when it occurred.

Where the alleged *Prohibited Conduct* occurred prior to the effective date of this *Policy*, USAB may apply other substantive standards in effect at the time of the conduct that are analogous to *Prohibited Conduct*, including then effective criminal laws and/or previous USCSS and/or USAB (defined in Section 13) standards. However, in all cases, the procedures in this *Policy* will be used to investigate and resolve matters, regardless of when the incident of *Prohibited Conduct* occurred.

## **7.3. Coordinating with Law Enforcement**

USAB may, at any point before a matter is final, impose *Temporary Measures* (see Section 8, below).

## **7.4. Methods of Resolution**

### **7.4.1. Administrative Closures**

USAB, in its discretion, may administratively close a matter as a result of insufficient evidence or other factors as determined by USAB. USAB will notify the relevant parties of an administrative closure. USAB may, upon receipt of new information or evidence, or a change in circumstances, reopen a matter for further investigation.

### **7.4.2. Informal Resolution**

A *Respondent* may, at any time before a matter is final, elect to resolve allegations of *Prohibited Conduct* by accepting responsibility for the *Prohibited Conduct* and accepting any sanction agreed upon by the *Respondent* and the Investigative and Ethics Committee. An informal resolution is not a settlement, but does constitute a final and binding disposition of





the matter. The outcome and/or sanctions of an informal resolution may be published by the USAB.

#### **7.4.3. Formal Resolution**

A formal resolution occurs after the USAB has completed an investigation and either closes the matter or, if a violation is found, issues its *Decision* (defined in Section 7.9 below).

### **7.5. Participation**

#### **7.5.1. Parties**

The *Claimant* and *Respondent* will have the opportunity to submit information and relevant evidence, to identify witnesses who may have relevant information, and to submit questions they believe should be directed by the investigator to each other or witness(es).

A *Claimant* and *Respondent* are not required to participate in the investigation or any form of resolution under these procedures, but they do each have a right to participate if they choose. However, full cooperation and participation in the investigation and resolution process is important to ensure that all relevant information and evidence are presented so the USAB can determine whether *Prohibited Conduct* has occurred. If a *Claimant* or *Respondent* chooses not to cooperate or participate in an investigation, USAB will make its decision based on the available evidence.

#### **7.5.2. Advisors**

Throughout the resolution process, *Claimant(s)* and *Respondent(s)* each have the right to choose and consult with an advisor ("*Advisor*"). The *Advisor* may be any person, including an attorney, who does not have an actual or perceived vested interest in the matter, is not a party or witness involved in the investigation or hearing, and who is not a USAB employee, Board member, or committee member. The *Claimant* and *Respondent* may be accompanied by their respective *Advisors* at any meeting or proceeding related to the investigation, hearing and resolution of a report under these procedures. *Advisor* may provide support and advice to the parties at any meeting and/or proceeding, but they may not speak on behalf of the *Claimant* or *Respondent*, or otherwise participate in such meetings and/or proceedings except as provided in this *Policy*. A *Claimant* or *Respondent* may share information that is designated confidential under this policy with their *Advisor*. *Advisors* are subject to the same confidentiality requirements as *Claimants* and *Respondents*.

#### **7.5.3. Witnesses**

Witnesses who are adult *Participants* are expected to participate and cooperate in the USAB's investigation and any related proceedings.

### **7.6. Recordings**

No audio or video recording of any kind is permitted during interviews or meetings, except as authorized and conducted by USAB. Recordings of interviews or meetings will not be distributed, except in accordance with Section 7.13.



### 7.7. Investigation Report

A final investigation report (“*Investigation Report*”) will be prepared that sets forth the investigator’s findings of fact and may make a recommendation as to whether *Prohibited Conduct* occurred. The *Investigation Report* will be shared with the *Claimant(s)* and *Respondent(s)* and any relevant *PSOs* or *HPMOs*, upon issuance of the *Decision*, subject to redactions as necessary to protect confidentiality and privacy. The *Investigation Report* and any attachments are considered confidential.

### 7.8. Decision

The *Chair of the Investigative and Ethics Committee* (defined in Section 13) will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding that *Respondent* engaged in *Prohibited Conduct*, as well as the appropriate sanction(s). If there is a finding that the *Respondent* engaged in *Prohibited Conduct*, the decision (“*Decision*”) will note the violation and any sanction(s). The *Claimant* and *Respondent*, the USOPC, USCSS, WDSF and any relevant *PSOs* or *HPMOs* will be notified of the *Decision*. The notice of *Decision* (“*Notice of Decision*”) will list any findings of *Prohibited Conduct*, as supported by the rationale discussed in the *Decision* and *Investigation Report*; the sanction(s) imposed against the *Respondent* (if applicable); and the rationale for any sanction(s) imposed. The *Notice of Decision* is considered confidential, however, the outcome reflected in the *Decision*—including whether a *Prohibited Conduct* occurred, the nature of *Prohibited Conduct*, and any sanctions imposed—is not.

### 7.9. Requesting a Hearing

A *Respondent* has **ten (10) days** from the date the *Notice of Decision* was emailed to request a hearing before a USAB Hearing Panel (“*Hearing Panel*”). A request for a hearing should be emailed to [ethics@USAB.org](mailto:ethics@USAB.org).

### 7.10. Requesting a Stay of Final Sanctions

After requesting a hearing on a *Decision*, at any time prior to that hearing, a *Respondent* may request that the Investigative and Ethics Committee stay or modify a sanction pending the outcome of the hearing, by emailing [ethics@USAB.org](mailto:ethics@USAB.org). The Investigative and Ethics Committee may, in its sole discretion, delay or modify temporarily the implementation of the sanction(s). For example, the USAB may allow the *Respondent* to participate in *Protected Competition* (defined in Section 13) under the oversight of a chaperone.

### 7.11. Reopening a Matter

At any time, the Investigative and Ethics Committee —on its own or at the request of a *Claimant* or *Respondent*—may reopen a matter based upon new evidence that was previously unavailable or a change in circumstances that could substantially impact the original finding or sanction. Whether to reopen a case is within the USAB’s sole discretion and is not reviewable.

### 7.12. Confidentiality – Release/Use of Materials



The following documents and/or evidence related to the response and resolution process must remain confidential, and may not be disclosed outside of the proceedings, except as may be required by law or law enforcement or authorized by the USAB:

- the Notice of Decision;
- the Investigation Report;
- any documents and/or evidence attached to the *Investigation Report*, including interview statements of a *Claimant*, *Respondent*, or other witnesses;
- any other documents and/or evidence collected by, submitted to, or prepared by the investigator or the Investigative and Ethics Committee;
- any audio recordings or transcripts of those recordings created as part of the investigative process;
- all documents and/or evidence submitted to or prepared by the *Hearing Panel*, including any hearing transcripts; and
- any other documents that may be necessary to the *Respondent* for use in the hearing.

Only the *Investigation Report* and *Notice of Decision* will be automatically distributed to certain parties as provided in Sections 7.8 and 7.9 above. If a *Respondent* requests a hearing, (1) USAB will consider requests from the *Respondent* for additional items such as interview recordings or transcripts from the investigation, and may, but is not required to, disclose those items; and (2) USAB will disclose to *Respondent* any additional documents that USAB concludes are relevant to the matter. USAB investigator may also provide additional materials to the *Respondent* or other witnesses if agreed upon by USAB investigator and the *Respondent* or other witness.

While the physical documentation must remain confidential, USAB, the USOPC, USCSS, WDSF and relevant *PSOs* and *HPMOs*, and their affiliates may disclose the outcome of the matter, including the *Summary of Decision* (defined in Section 11.4), to those parties or organizations with a need to know so that the outcome can be properly implemented and understood.

Additionally, subject to the abuse of process prohibition (including the prohibition on identifying a *Claimant*), USAB does not impose any restrictions on a *Claimant's* or *Respondent's* ability to discuss the incident, their participation in the USAB's process, or the outcome of that process. If a *Claimant* or *Respondent* intentionally misrepresents the process, the underlying facts, or the outcome of a matter, USAB reserves the right to publicly correct the record.

**Violation of this provision, including by an *Advisor* for an involved party, may constitute an Abuse of Process, as discussed in Section 5.3.3.**

**Note:** This Section 7.13 is not intended to require an individual or USAB to keep confidential any public information or documents, or any information or documents that they rightfully have in their possession independent of this process.



## Section 8. Temporary Measures

USAB may implement temporary measures (“*Temporary Measures*”), which are designed for protective purposes pending a *Decision*, at any time. Generally, *Temporary Measures* are implemented based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the Olympic and Paralympic Movement.

A Temporary Measure is effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until USAB expressly removes the Temporary Measure(s).

### 8.1. Remedies

*Temporary Measures* may include, but are not limited to:

- altering training schedules,
- providing or requiring chaperones,
- implementing contact limitations,
- implementing measures prohibiting one-on-one interactions,
- suspensions from *OPTC* privileges,
- alternative housing arrangements,
- alternative transportation arrangements,
- suspensions from participation in some or all aspects of activity in the Olympic and Paralympic Movement

*Temporary Measures* will be enforced by USAB as appropriate. USAB may share information regarding *Temporary Measures* with additional organizations, such as International Federations (“*IFs*”), as it deems appropriate.

### 8.2. Requesting a Hearing on *Temporary Measures*

The *Respondent* may also request a hearing on the *Temporary Measures* pursuant to Section 10.1, below.

### 8.3. Requesting a Stay of *Temporary Measures*

At any time prior to a hearing, a *Respondent* may request that USAB stay or modify a temporary measure. USAB may, in its sole discretion, delay or modify implementation of the *Temporary Measures*, such as, by way of example, to allow the *Respondent* to participate in *Protected Competition* under the oversight of a chaperone.

## Section 9. Sanctions

Where there is sufficient evidence through the investigation and resolution procedure to support a finding that a *Participant* engaged in *Prohibited Conduct*, the Investigative and Ethics Committee will determine the appropriate sanction(s).

Sanctions include, but are not limited to, the following (either by itself or in combination):

- Written warning



- Education and/or training
- Probation
- Suspension
- Other eligibility restrictions
- Permanent ineligibility
- Other discretionary sanctions

## **Section 10. Hearings**

### **10.1. Right to Request a *Temporary Measures* Hearing**

In all instances where a *Temporary Measure* (such as a suspension) materially affects the right to participate in *Protected Competition*, the *Respondent* may challenge the measure by requesting a hearing before a *Hearing Panel*. A *Respondent* has **ten (10) days** from the date the *Temporary Measures* notice was emailed to request a *Temporary Measures* hearing before a *Hearing Panel*. A request for a hearing should be emailed to [ethics@usabreakin.org](mailto:ethics@usabreakin.org).

#### **10.1.1. Time**

The ten (10) day deadline above may be waived for good cause shown.

#### **10.1.2. Final Hearing**

In all instances where a *Decision* is issued that a *Respondent* violated this *Policy*, the *Respondent* may challenge the *Decision* by requesting a hearing before a *Hearing Panel* pursuant to Section 7.10.

#### **10.1.3. No Limitation on Right to Challenge Denial or Threatened Denial of an Opportunity to Participate**

Nothing in this *Policy* is intended to expand or limit a *Respondent's* right to a hearing, if any, under the USAB Bylaws or the Ted Stevens Olympic and Amateur Sports Act.

#### **10.1.4. Hearing Procedures**

The Hearing Procedures that apply to these hearings are attached in Appendix A.

## **Section 11. Enforcement**

### **11.1. Temporary Measures**

All *Temporary Measures* imposed by the USAB will be in effect immediately upon issuance. A *Respondent* may request a stay or modification of a *Temporary Measure* if the *Respondent* has timely requested a hearing, in accordance with the procedures in Section 10.1, above.

### **11.2. Sanctions**



Final sanctions imposed in the *Decision* will take effect immediately. A *Respondent* may request a stay or modification of final sanctions if the *Respondent* has timely requested a hearing, in accordance with the procedures in Section 10.2, above.

### **11.3. Reciprocal Enforcement**

If a *Participant* is sanctioned or subject to *Temporary Measures* under this *Policy*, that sanction(s) or Temporary Measure(s) must be reciprocally enforced by and between all *HPMOs* and *LAOs* affiliated with USAB.

### **11.4. Summary of Decision**

USAB may provide a “*Summary of Decision*,” which *HPMOs* and *LAOs* may provide to parties to assist with enforcement of sanctions. USAB may share the *Summary of Decision* with additional organizations, such as *IFs*, as it deems appropriate.

## **Section 12. Loss of USAB Services and Benefits**

This Section is intended to provide clarity on *Participant* eligibility guidelines for USAB services and benefits in the event of a sanctioning determination by the *USCSS*, *USOPC*, or USAB.

### **12.1. Allegations**

Revocation of USAB services and benefits will not occur based solely on a report or an allegation made against a *Participant* for *Prohibited Conduct*.

### **12.2. Temporary Measures**

For any *Temporary Measure* other than a temporary suspension imposed on a *Participant*, the USAB may suspend applicable services and benefits until the case is resolved or the *Temporary Measure* is lifted or altered. In instances where a temporary suspension is imposed on a *Participant*, USAB will suspend applicable services and benefits until the case is resolved or the temporary suspension is otherwise lifted or altered. In the event of alteration of a temporary measure or temporary suspension, USAB may reevaluate the case to determine whether suspension of applicable services and benefits should be lifted, reduced, or expanded.

### **12.3. Final Sanction - Suspension or Permanent Ineligibility**

If a *Participant* is suspended or deemed permanently ineligible, then the *Participant* will be deemed ineligible to receive the applicable services and benefits for the duration of the sanction.

#### **12.3.1. Sanctions that Do Not Result in Suspension or Other Eligibility Restriction**

If the *Participant* receives a final sanction other than suspension or ineligibility, the eligibility for services and benefits will be determined on a case-by-case basis and based on the conditions of those sanctioning determinations.

#### **12.3.2. Reinstatement**





When a *Participant's* suspension is lifted or period of ineligibility has elapsed, all or a portion of the applicable service(s) or benefit(s) may be reinstated if the *Participant* otherwise meets the necessary criteria to receive those services and benefits. For services and benefits with eligibility based on performance criteria, the applicable criteria will still apply to determine eligibility after a case is resolved.

## **Section 13. Definitions**

"Advisor" has the meaning set forth in Section 7.6.2.

"Child Abuse," as the term is used in this *Policy*, has the meaning set forth in Section 203 of the Victims of Child Abuse Act of 1990 (34 U.S.C. § 20341) or any applicable state law.

"Claimant" means a person who is alleged to have experienced conduct that constitutes *Prohibited Conduct*.

"Code" means the SafeSport Code for the U.S. Olympic and Paralympic Movements.

"Criminal Charge or Disposition" has the meaning given to it in the *Code*.

"Decision" has the meaning set forth in Section 7.9.

"Emotional Misconduct," as the term is used in this *Policy*, has the meaning given it in the *Code*.

"Games" means the Olympic Games, Paralympic Games, Youth Olympic Games, Pan American Games, and/or Parapan American Games.

"Hearing Panel" has the meaning set forth in Section 7.10.

"HPMO" means a High Performance Management Organization.

"IF" or "International Federation" means the international governing body for a sport.

"Investigation Report" has the meaning given to it in Section 7.8.

"LAO" means a regional, state or local club or organization that is directly affiliated with USAB or that is affiliated with USAB by its direct affiliation with a regional or state affiliate of USAB. LAO does not include a regional, state, or local club or organization that is only a member of a National Member Organization of USAB.

"Minor" means an individual under the age of 18.

"Notice of Decision" has the meaning set forth in Section 7.9.

"OPTC" means an Olympic & Paralympic Training Center.

"Participant" has the meaning set forth in Section 2.1.

"Policy" as used herein means the USAB Athlete Safety Policy.

"Physical Misconduct," as the term is used in this *Policy*, has the meaning given it in the *Code*.

"Prohibited Conduct" has the meaning given to it in Section 5.

"Protected Competition" has the meaning given to it in Section 1.3(w) of the USAB Bylaws.





“PSO” means a Paralympic Sport Organization that is an amateur sports organization recognized by the USAB in accordance with Section 8 of the USAB Bylaws.

“Respondent” means a *Participant* who is alleged to have violated this *Policy*.

“Sexual Misconduct,” as the term is used in this *Policy*, has the meaning given it in the *Code*.

“Summary of Decision” has the meaning set forth in Section 11.4.

“Temporary Measures” has the meaning given to it in Section 8 of this *Policy*.

“Third-Party Reporter” means an individual other than a *Claimant* or *Respondent* who makes a report under this *Policy*.

“USAB” means USA Breakin’.

“USAB Contracted Staff” means (i) staff contracted through any third-party staffing agency (including temp agencies), (ii) non-agency/division specific contracted staff paid on a services agreement and with Form 1099-MISC, and/or (iii) clinical students.

“USAB Delegation Events” means events to which the USAB officially sends an individual or group of individuals on behalf of the USAB and/or the United States.

“USAB Sponsored Events” means Olympic and Paralympic Trials, and any other event or competition organized, operated, sanctioned or formally authorized by USAB.

“USCSS” means the U.S. Center for SafeSport.

“WDSF” means the World DanceSport Federation



## Appendix A – Hearing Procedures

### Hearing

#### 1. Procedural Safeguards

In every case where a hearing is conducted pursuant to this Policy, it will comply with the USAB Bylaws, provided that deviations in one or more of the procedural safeguards are permitted where all of the following conditions are satisfied:

- the *Respondent* is informed of the allegations and evidence brought against him/her;
- the *Respondent* is given a reasonable opportunity to respond to the allegations brought forward;
- the *Respondent* may be represented by an *Advisor* at his or her expense; and
- the *Hearing Panel* member(s) who make the determination can render an unbiased decision.

The conduct of the hearing will be private.

#### 2. Hearing Panel

On receipt of a request for a hearing, the USAB's Investigative and Ethics Committee will appoint and provide procedural support and counsel to the *Hearing Panel*. Each *Hearing Panel* will consist of three disinterested and impartial individuals, including one elite athlete representative meeting the qualifications as set forth in USAB's Complaint Procedures.

#### 3. Notice

The *Respondent* will be notified of a specific hearing date and time to ensure that he/she is available for the hearing. Unless the *Hearing Panel* requires the *Respondent* to attend the hearing in person, the *Respondent* may appear by telephone or video conference call. The *Respondent* has the right to be represented by an *Advisor* at the hearing.

#### 4. Timing

The *Hearing Panel* will have the authority to set timelines and other rules regarding the proceeding and the conduct of the hearing, as it deems necessary.

On request of the *Respondent*, and provided that it is necessary to expedite the proceeding to resolve a matter relating to scheduled training or competition, the *Hearing Panel* may render an expedited determination.

#### 5. Evidence

At the hearing, the *Respondent* will be allowed to present any reasonable evidence or argument that he/she wishes the *Hearing Panel* to consider. The *Hearing Panel* may require or permit documentary evidence, such as the written report of the investigator, before the hearing and



that the names of any witnesses be disclosed before the hearing. The *Hearing Panel* may also consider another organization's determination as evidence to be considered.

If the *Claimant* is a *Minor*, the investigator's report may substitute for the *Minor* witness's direct testimony, provided that the *Respondent* had an opportunity to present and respond to relevant information collected during the investigation and before the investigation report was transmitted to the *Hearing Panel*.

The *Hearing Panel* may proceed in the *Respondent's* absence if it cannot locate the *Respondent* or if the *Respondent* declines to attend the hearing.

## 6. Findings and Sanctions

The *Hearing Panel* has the discretion to determine, based upon a preponderance of the evidence, whether the *Respondent* engaged in *Prohibited Conduct*. If it finds that *Prohibited Conduct* occurred, the *Hearing Panel* has discretion to determine the appropriate sanction(s).

The *Hearing Panel* will communicate its finding to the *Respondent*.

The decision regarding the appropriate sanction shall be up to the *Hearing Panel* deciding each matter. In imposing a sanction, the *Hearing Panel* will consider:

- whether the *Respondent* poses an ongoing concern for the safety of the USAB's athletes and participants;
- the seriousness of the offense or act;
- the ages of the *Respondent* and *Claimant* when the offense or act occurred;
- any information produced by the *Respondent*, or produced on behalf of the *Respondent*, in regard to the *Respondent's* rehabilitation and good conduct; and
- any other information, which in the determination of the *Hearing Panel*, bears on the appropriate sanction.

## 7. Appeal

If the *Respondent* disagrees with the finding or sanction of the *Hearing Panel* and wishes to appeal, he/she may file an appeal with the AAA within 10 days of the *Hearing Panel's* decision. A decision rendered by the AAA shall be final and binding on all parties.

### Temporary Measures Hearing

In all instances where a *Temporary Measure* affects the opportunity to participate in a protected competition as defined in the USAB Bylaws, the *Respondent* may challenge the measure by requesting a hearing before the *Hearing Panel*.

A *Temporary Measures Hearing Panel* will be constituted by the same process as for a regular hearing, except that individuals serving on the *Temporary Measures Hearing Panel* may not serve on the *Hearing Panel* for the same case.

The *Temporary Measures* hearing is not intended to be the hearing necessary to finally resolve whether the *Respondent* has committed *Prohibited Conduct* or what the appropriate sanctions



should be, if *Prohibited Conduct* is found to have occurred. The *Temporary Measures* hearing is limited to determining if there is reasonable cause to impose the *Temporary Measure(s)*. That is, whether the USAB's choice of *Temporary Measures* is appropriately tailored to maintain the emotional or physical safety or well-being of the *Claimant* or other participants; to protect the best interest of USAB and the Olympic and Paralympic Movement and those who participate in it; or, such other valid purpose as set forth by the USAB.

#### **Bylaws and Sports Act**

Nothing in this *Policy* is intended to expand or limit a *Respondent's* right to a hearing, if any, under the USAB Bylaws or the Ted Stevens Olympic and Amateur Sports Act.

***Approved By:*** USA Breakin' Board of Directors

***Effective Date:*** April 5, 2021

***Next Review Date:*** January 1, 2022

***Contact Person or Position:*** USA Breakin' Investigative and Ethics Committee Chair