



## **RESPONSE & RESOLUTION POLICY**

### **UPDATED: APRIL 2024**

**USA Archery's (USAA)** Response and Resolution Policy outlines how USAA processes and adjudicates reported allegations of abuse and misconduct that fall within USAA's jurisdiction and in addition, allegations for which the U.S. Center for SafeSport Center ("the Center") declines jurisdiction. USAA's response and resolution process is guided by the U.S. Center SafeSport Code and USAA's Minor Athlete Abuse and Prevention Policy (MAAPP), Disciplinary Proceedings and Grievance Policy, federal and state laws. USAA is committed to providing an effective athlete safety response process based on fairness, efficiency and neutrality.

#### **1.1 Prohibited Behavior.**

- Criminal Charges or Dispositions
  - Including Warrants for Arrest and/or Sex Offender Registry
- Child Abuse
- Sexual Misconduct
  - Including Gender-Related Harassment, Nonconsensual Sexual Contact or Intercourse, Sexual Exploitation, and/or Bullying or Hazing, or other inappropriate conduct of a sexual nature
- Emotional and Physical Misconduct
  - Including Stalking, Bullying, Hazing and Harassment
- Aiding and Abetting
- Misconduct Related to Reporting
- Misconduct Related to the U.S. Center for SafeSport's Process
- Other Inappropriate Conduct
- Violation of Minor Athlete Abuse Prevention Policies / Proactive Policies

#### **1.2 Reporting.**

Any participant that reasonably suspects or is aware of a MAAPP or a Center Code ("the Code") violation, including retaliation can make a report online [here](#). There are no associated costs or fees to file a report and all reports can be submitted anonymously. Attached to the link cited above, there is additional information on referral of report protocols and jurisdictional notification protocols.

In addition, athlete safety resources and current suspensions and bans are provided [here](#).

### **1.3 Mandatory Reporting.**

Adult participants must know their reporting requirements under the Code, state law, and federal law. Furthermore, USAA members and adult participants are required to comply with the Code, and all local, state and federal laws.

Adult participants must report violations of the Code (including violations of the MAAPP) and suspicions or allegations of misconduct. All cases of suspected child abuse, to include emotional, physical or sexual abuse of a minor (under the age of 18) must be reported to law enforcement immediately. Every participant must comply with any other applicable reporting requirements under state law. Filing a report with the Center and/or USAA does not satisfy this obligation.

Child abuse includes incidents that involved a victim who was a minor at the time of the alleged incident but may be an adult now.

Adult participants who learn of information or reasonably suspects sexual misconduct, criminal charges or dispositions involving sexual misconduct, or misconduct involving minors, misconduct related to the Center's process, including aiding and abetting, abuse of process, and/or retaliation must report the incident(s) directly to the Center immediately.

Adult participants who learn of information or reasonably suspects emotional or physical misconduct (including bullying, stalking, hazing and harassment) must report the incident(s) to USAA.

Reports may be made anonymously using the form as provided in Section 1.2, *Reporting*, however, it may not be possible to verify that Mandatory Reporting obligations have been satisfied.

All mandatory reports are tracked in USAA's Complaints and Investigations Tracking internal database to ensure compliance with state and federal law, and the Center's requirements.

For further information, USAA has adopted the Code's definition of Mandatory Reporting and Failure to Report. USAA complies with all applicable policies and procedures as outlined in the [Code](#).

### **1.4 Prohibition of Retaliation.**

Retaliation before, during and/or after the process of resolving an abuse or misconduct allegation is prohibited by USAA and the Center.

For further information, USAA has adopted the definition of "Retaliation", applicable policies and procedures as provided in the [Code](#).

The Center defines Retaliation as follows:

Retaliation or attempt to do the same by a Participant, someone acting on behalf of a Participant, USA Archery, a USA Archery Club or State Association, the USOPC, or any organization under the Center's jurisdiction is prohibited. Retaliation is any adverse action or threat to take any adverse action against any person related to allegations of Prohibited

Conduct. Adverse actions include, but are not limited to: threatening, intimidating, harassing, coercing, or any other action or conduct with the potential effect of dissuading any reasonable person from reporting Prohibited Conduct or engaging in activity related to any reporting or investigative processes. Retaliation may take place at any time, including before, during, or after an individual's reporting or engagement in the processes of the Center or other relevant organization under the Center's jurisdiction. Retaliation may be present even where there is a finding that no violation occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Code violation.

## **1.5 No Interference.**

USAA shall not interfere in, attempt to interfere in, or attempt to influence the outcome of the Center's investigation. Participants are also prohibited from interfering in, attempting to interfere in, or attempting to influence the outcome any USAA investigation or the Center's investigation.

For further information, USAA has adopted the definition of "No Interference", applicable policies and procedures as provided in the [Code](#).

## **2.1 Response and Resolution.**

### **2.1.1 Overview.**

Incoming complaints reported to USAA are evaluated to determine jurisdiction. Reports are reviewed to determine if the Center has Exclusive or Discretionary Jurisdiction as defined below in Section 2.1.2.

### **2.1.2 Definitions.**

#### A. Exclusive Jurisdiction:

The Center has the exclusive jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Sexual Misconduct, including without limitation child sexual abuse and any misconduct that is reasonably related to an underlying allegation of Sexual Misconduct;
2. Criminal Charges or Dispositions involving Child Abuse or Sexual Misconduct;
3. Misconduct Related to Reporting, where the underlying allegation involves Child Abuse or Sexual Misconduct;
4. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the Center's process;
5. Other Inappropriate Conduct, as defined in the Code.

#### B. Discretionary Jurisdiction:

The Center has discretionary jurisdiction to investigate and resolve allegations that a Participant engaged in one or more of the following:

1. Non-sexual Child Abuse;
2. Emotional and physical misconduct, including stalking, bullying behaviors, hazing, and harassment;
3. Criminal Charges or Dispositions not involving Child Abuse or Sexual Misconduct;
4. Minor Athlete Abuse Prevention Policy or other similar Proactive Policy violations;
5. Misconduct Related to Aiding and Abetting, Abuse of Process, or Retaliation, when it relates to the processes of the USOPC, USAA, USAA Clubs and/or State Associations, or any other organization under the Center's jurisdiction.

### **2.1.3 Determining Jurisdiction/ Jurisdiction Notification.**

USAA will promptly inform an identified reporting party of its jurisdictional determination as determined in Section 2.1.2, above.

USAA defines Local Affiliated Organization (LAO) as a USA Archery state association or club that is governed by USA Archery.

USAA's Clubs and State Associations do not collect any reports of misconduct, MAAPP violations, nor retaliation. All complaints are reported to and/or resolved by either USAA or the Center. The following are the steps used to determine jurisdiction and file a report.

- A. Per the [USAA Bylaws](#), Article XVI, Section 16.2 if USAA receives a complaint that falls under the Center's **exclusive jurisdiction**, USAA will:
  1. Request that the reporting party submit a free report online directly to the USCSS [here](#).
  2. Submit a report to the Center within 24 hours, if applicable.
  3. Contact law enforcement within 24 hours, if applicable.
  4. USAA will ensure all requirements are met pursuant to Section 1.3, Mandatory Reporting.
  
- B. If USAA receives a complaint that falls under the Center's **discretionary jurisdiction**, and USAA does not have a conflict of interest, USAA will:
  1. If applicable, instruct the Claimant to complete the USAA SafeSport Reporting Form online [here](#).
  2. Determine jurisdiction as defined in Section 2.1.2.
  3. USAA will promptly notify the Claimant of jurisdiction or referral to the Center.
    - a. Should the Center accept jurisdiction, the Center is responsible for notifying the Claimant of jurisdiction.
      - i. USAA will comply with Section 1.5, No Interference, and shall await notification of outcome from the Center.
    - b. Should the Center decline jurisdiction, USAA will notify the Claimant of jurisdiction.
      - i. Cases under USAA's jurisdiction are assigned to the CEO or their designee.

- ii. USAA has a designated SafeSport and Compliance Administrator that follows best practices for investigations as determined by the Center.
- C. If USAA receives a complaint that falls under the Center's **discretionary jurisdiction**, AND USAA does have a conflict of interest, USAA will:
  - 1. File the report with the Center and notify the Claimant.
    - a. USAA will comply with Section 1.5, No Inference, and shall await notification of outcome from the Center.

#### **2.1.4 Internal Procedures for Conducting an Investigation (USAA Jurisdiction).**

- A. USAA will provide opportunities for both the Claimant and Respondent to provide information for consideration and will proceed to Preliminary Inquiry:
  - 1. USAA will promptly confirm jurisdiction with the Claimant, such that the matter is being accepted by USAA.
  - 2. USAA will review the USAA SafeSport Reporting Form and/or direct the Claimant to submit the form as stated in Section 2.1.3, B, 1.
  - 3. USAA will confirm that the Claimant would like to proceed with filing the complaint, proceed to Section 2.1.4, A, 4.
  - 4. If the Claimant would like to withdraw the complaint, USAA will document and send an Administrative Closure Letter to the Claimant. USAA will send an Administrative Closure Letter to the Respondent, if applicable. At this time, the complaint is considered withdrawn and closed.
  - 5. USAA will confirm with the Claimant next steps, to include a formal interview and advise the Claimant of confidentiality. USAA will advise that:
    - a. Information may be accessed by the SafeSport and Compliance Administrator, executive staff, the Center, and/or law enforcement.
    - b. Information may also be shared with club directors, officers, officials, coaches and team leaders to assist with the enforcement of safety plan(s) and temporary measure(s).
  - 6. USAA will confirm whether the Claimant would like to remain anonymous.
  - 7. USAA will request a list of witnesses
  - 8. USAA will review Section 1.4, Prohibition of Retaliation and the Retaliation definition as outlined in the Sports Act.
  - 9. USAA will send Notice of Allegations to both the Claimant and the Respondent and advise of opportunity to identify and provide a witness list and contact information.
- B. USAA will begin conducting interviews.
  - a. The Claimant and their witnesses will be interviewed first. Witnesses will be advised of Confidentiality as stated in Section 2.1.4, A, 5. Both the Claimant and their witnesses may submit evidence.
  - b. USAA will interview the Respondent and their witnesses after Section 2.1.4, B, a has been completed. Witnesses will be advised of Confidentiality as stated in Section 2.1.4, A, 5. Both the Respondent and their witnesses may submit evidence.

\* Interviews may be conducted in person, if related to an event, or by telephone or video call.

- C. If based on the investigation, the CEO or their designee determines that there is not probable cause (i.e., no fair basis or probability) to believe that the Complaint has merit or that the underlying facts and circumstances give rise to an issue that is appropriate for resolution under the USAA Disciplinary Proceedings and Grievance Policy, USAA will issue an Administrative Closure and provide notice to both the Claimant and the Respondent. USAA has discretion to provide a Warning Letter, too, if applicable.
- D. If, based on the investigation, the CEO or their designee determines that there is probable cause (i.e., fair basis or probability) to believe that the Complaint has merit or that the underlying facts and circumstances give rise to an issue that is appropriate for resolution under the USAA Disciplinary Proceedings and Grievance Policy, USAA will request a hearing through the USAA Board of Justice (BOJ).
- E. USAA must clearly identify and articulate the evidentiary standard applied to the evaluation of alleged misconduct and/or policy violation. USAA will document the evidentiary standard met in an Investigative Summary. If temporary measures have not already been established, USAA will review and implement any temporary measures as deemed appropriate.
- F. USAA will complete a Case Resolution Form.
- G. USAA will submit a case referral to the USAA BOJ pursuant to the USAA Disciplinary Proceedings and Grievance Policy and USAA Bylaws Article XVI.
- H. All reports are tracked on USAA's Complaints and Investigations Tracking internal database, to include allegations and outcomes.
- I. The USAA SafeSport and Compliance Administrator will maintain and review USAA's Complaints and Investigations Tracking internal database for compliance, as well as ensure timely resolution of matters. The SafeSport and Compliance Administrator will also ensure the Response and Resolution policy is being followed.

\* All communications, interviews, and evidence will be documented and logged in USAA case file and/or USAA's Complaints and Investigations Tracking internal database.

### **2.1.5 Temporary Measures Imposed by USAA.**

USAA may impose 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 will be implemented on a case-by-case basis and tailored to the specific needs of a matter, based on the severity of the allegations, the evidentiary support for the allegations, and/or the perceived risk to athletes or the sport community. 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, and suspensions from participation in some or all aspects of sport activity.

**Temporary measures can:**

- Reduce potential conflict throughout an investigation;
- Mitigate risk for participants;
- Lessen the likelihood of intimidation, harassment, or retaliation;
- Prevent a hostile sporting environment; and/or
- Ensure a fair and neutral investigation into the matter

Before the Center expressly exercises jurisdiction over allegations regarding a particular Participant, USAA has the authority to implement necessary and appropriate measures, up to and including a suspension, to address any allegations of misconduct.

If USAA recommends a temporary measure that would materially affect the Respondent's opportunity to participate (e.g., suspension), it must first be reviewed by the USAA Board of Justice pursuant to the USAA Disciplinary Proceedings and Grievance Policy. Should the USAA Board of Justice impose a temporary measure that materially affects the Respondent's opportunity to participate, the Respondent may request a hearing and/or appeal a decision pursuant to USAA's Disciplinary Proceedings and Grievance Policy.

Any temporary measures USAA imposes that do not materially affect the Respondent's opportunity to participate (e.g. suspension), are not subject to review and may not be appealed.

On all cases of sexual misconduct, USA Archery will automatically issue Temporary Measures.

However, USAA, in collaboration with the Center, will take into consideration how implementing Temporary Measures, effectively notifying the Respondent of an open case, would impact the Claimant as it relates to safety. In cases of anonymous reports, USAA has the discretion to collaborate with the Claimant and determine if issuing Temporary Measures would identify the Claimant, and in turn, pose a safety risk. In this case, USAA will review Temporary Measures and contrast against best interest of the Claimant.

Temporary Measures will automatically be discontinued upon the resolution of the case, unless the resolution explicitly notes that the Temporary Measures will be continued.

**2.1.6. Temporary Measures Imposed by the Center.**

The Center may at any time impose temporary measures. A Temporary Measure shall be effective immediately upon notice, unless stated otherwise. Temporary Measure(s) will remain in effect until the Center expressly removes the Temporary Measure(s). If/when the Center expressly exercises jurisdiction over allegations regarding a particular Participant, USAA cannot issue in response to those allegations, a suspension or other restriction that may deny or threaten to deny a Respondent's opportunity to participate in sport.

Upon the Center's issuance of a Notice of Exercise of Jurisdiction, any temporary measures previously imposed by the USOPC or USAA will be automatically and immediately adopted by the Center as its own, and will be applicable throughout all Olympic, Paralympic, Pan American and Para Pan sports in the United States, and will remain in effect unless and until the Center modifies those

measures. USAA will notify the Center within 72 hours of any Temporary Measures previously imposed.

### **3.1 Requests from the Center.**

#### **3.1.1 Internal Procedures for Responding to the Center's Request for Information.**

- A. USAA's Safe Sport and Compliance Administrator will respond to the Center's Request for Information within 72 hours, to include:
  - a. Does USA Archery consider this person to be a Participant as defined by the SafeSport Code? **If yes, please provide USA Archery's rationale;**
  - b. Please confirm whether you or USA Archery have a conflict of interest with this individual;
  - c. Please provide any information regarding this person's current, former, or prospective role(s) related to any national team, Olympic/ Paralympic team, or employment with this NGB.
  - d. Provide a screen shot or PDF copy of this individual's member record (including DOB, current physical, and email addresses);
  - e. Provide a screen shot or PDF copy of this individual's membership history; and
  - f. Provide any information concerning any prior or current disciplinary action against this individual, including documentation of any **Temporary Measures** imposed by USA Archery or Local Affiliated Organization. **The Center will not adopt any existing Temporary Measures if USA Archery does not promptly provide documentation of their existence.**

\*At any time, should the Center choose to change the information requested, USAA will immediately comply.

### **4.1 Enforcing Sanctions and Temporary Measures from USAA and the Center.**

#### **4.1.1 Internal Procedures for Issuing Sanctions from USAA.**

- A. If, based on the investigation, the CEO or their designee determines that there is probable cause (i.e., fair basis or probability) to believe that the Complaint has merit or that the underlying facts and circumstances give rise to an issue that is appropriate for resolution under the USAA Disciplinary Proceedings and Grievance Policy, the CEO or their designee, in consultation with the Chair of the Board of Justice, may attempt to informally mediate and resolve the dispute that is the subject of the Complaint to the satisfaction of the parties.
- B. If the complaint cannot be resolved under Section 4.1.1, A, the CEO or their designee, will request a hearing date be set through the USAA BOJ pursuant to the USAA's Disciplinary Proceedings and Grievance Policy.
- C. If the BOJ Hearing Panel determines there is a preponderance of evidence, the Hearing Panel will follow procedures as outlined in the USAA's Disciplinary Proceedings and Grievance Policy as it pertains to notification, sanctions, and discipline.
- D. USAA will update the Respondent's member account accordingly, to include notes indicating the discipline and/or sanctions imposed. This information will be documented in USAA's



Complaints and Investigations Tracking internal database, in addition to the Respondent's member profile.

- E. If applicable, USAA will update the public facing website to reflect the member's first name, last name, state, and reason for suspension. This information will also be documented in the member newsletter as well. Any persons that would be responsible for enforcing temporary measures and/or a safety plan will be notified as well.
- F. Administrative Hold lists will be maintained internally by USAA in the event the person on the Administrative Hold list attempts to reinstate or gain membership.

#### **4.1.2 Internal Procedures for Complying with Sanctions Issued by USCSS.**

When USAA receives an email from the Center containing information about a sanction imposed, the member for whom the sanction is issued should have already received notification from the Center regarding such sanction(s).

1. USAA will then update the member account to reflect the sanction via suspension or probation and add internal notes to their account. USAA will update any interested parties who need to be aware of the sanction (i.e. Coach, Club Leader, Staff, etc.) for enforcement and athlete safety purposes.
2. If the sanction is a suspension or otherwise renders the Respondent ineligible to participate, USAA will post the suspension on the USAA website and in the USAA newsletter. USAA will also notify the USAA insurance carrier of any suspensions due to sexual or physical misconduct. Administrative hold lists will be maintained internally with USAA. If a person on the Administrative Hold list attempts to reinstate or gain membership, USAA will notify the Center.

#### **4.1.3 Enforcing Temporary Measures from USAA and USCSS**

A Notice of Temporary Measures will contemporaneously be provided to the Respondent(s) and the U.S. Center for SafeSport if issued by USAA.

The Notice of Temporary Measures document is confidential, however, the fact that the temporary measures are in place is not. Importantly, failure to comply with these temporary measures is an independent violation of the Code. *See* the Code at Section IX.G.1.

A summary of the Notice of Temporary Measures may be shared with the Claimant, as applicable, and those individuals or organizations with a need to know and in a position of authority over the Respondent, so that the measure(s) may be properly effectuated, enforced, and/or understood.

USAA adheres to and complies with all temporary measures imposed by the Center and will report any such violations.

**Note:** The imposition of a temporary measure(s) *does not* in any way constitute a finding by USAA or the Center as to the veracity of the reported allegations.

#### **4.1.4 United States Olympic and Paralympic (USOPC) Notification, If Applicable.**

USAA will notify the USOPC's Security and Athlete Safety Office within 24 hours if a violation of the SafeSport Code or MAAPP violation has occurred at any Olympic and Paralympic Training Center (OPTC) and/or at a USOPC delegation event and/or if any alleged violation has resulted in the implementation of any temporary measures that may limit an athlete's attendance at a delegation event, access to an OPTC, and/or will impact an athlete's eligibility for a financial stipend, EAHI and/or other support services from the USOPC.

#### **5.1 Quality Control System.**

USAA's [Athlete Safety Procedures for Event Organizers Policy](#) is the designated Quality Control System.

For any questions about the Response and Resolution process, USAA has a designated SafeSport and Compliance Administrator that can be reached at [athletesafety@usarchery.org](mailto:athletesafety@usarchery.org).

You can also visit the Center's Training and Educational Resource page [here](#).

#### **6.1 Misconduct Data Reporting.**

The USAA SafeSport and Compliance Administrator is the designated representative for USAA responsible for compiling and providing data annually to the Center. The SafeSport and Compliance Administrator is also responsible for ensuring the Response and Resolution policies are being followed. USAA's Clubs and State Associations do not collect any reports of misconduct, MAAPP violations, retaliation or collect related data. All complaints are reported to and resolved by either USAA or the Center.

Data is collected and compiled through the following means:

- The USAA SafeSport and Compliance Administrator reviews USAA's Complaints and Investigations Tracking internal database as defined and discussed above under *Internal Procedures for Conducting an Investigation (USAA Jurisdiction)*.
- Applicable data as requested by the Center, to include emotional and physical misconduct, MAAPP violations, and retaliation, are copied from USAA's Complaints and Investigations Tracking internal database and transferred to USAA's Misconduct Data Reporting internal database. Specific data that is tracked and transferred for the purposes of misconduct reporting is as outlined below.

\*As USAA Clubs and State Associations do not track nor submit data; USAA is responsible for tracking, investigating, and resolving all reports, in addition to all data submission, at the USAA Club and State Association level.

Specific data that USAA reports on to the Center is as follows:

1. Emotional Misconduct
  - a. Total Reported Alleged Incidents
  - b. Total Number of Investigations\*

- c. Total Number of Violations
- 2. Physical Misconduct
  - a. Total Reported Alleged Incidents
  - b. Total Number of Investigations
  - c. Total Number of Violations
- 3. Minor Athlete Abuse Prevention Policies (MAAPP) Violations
  - a. Total Reported Alleged Incidents, by Policy Type
  - b. Total Number of Investigations
  - c. Total Number of Violations
- 4. Retaliation
  - a. Total Reported Alleged Incidents
  - b. Total Number of Investigations
  - c. Total Number of Violations

\*Investigation is defined as an attempt to contact the Claimant, Respondent and applicable Witnesses. USAA may investigate a complaint and determine that there is not enough information to proceed, and/or the Claimant determines they do not want to participate; this does not constitute a formal investigation.