

Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017

Amends two federal statutes: (1) the Victims of Child Abuse Act of 1990 and (2) the Amateur Sports Act of 1978.

(1) Victims of Child Abuse Act of 1990

- Duty to Report. Extends the duty to report suspected child abuse, including sexual abuse, within 24 hours to certain adults who are authorized to interact with minor or amateur athletes at an event sanctioned by an NGB.
- Criminal Penalties. An individual who is required, but fails, to report suspected child sexual abuse is subject to criminal penalties.
- Civil Remedies. Amends the federal civil remedy provisions and extends the civil statute of limitation to 10 years from the date the victim discovers the violation or injury (currently, 10 years from the date the cause of action arose). The bill also extends the statute of limitations for a minor victim of a federal sex offense to file a civil action to 10 years (currently, 3 years) from the date such individual reaches age 18.

(2) Amateur Sports Act of 1978

- Expands USOC Purpose. Expands the purpose of the USOC to include: *"to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete."*
- Center Designation. Designates the US Center for SafeSport (the "Center") to serve as the independent national safe sport organization and to exercise jurisdiction over the USOC and NGB, and to exercise such jurisdiction with regard to safeguarding athletes from abuse, including emotional, physical and sexual abuse, in sports.
- Education and Outreach. The Center shall maintain an office for *education and outreach* to develop training, oversight practices, policies, and procedures to prevent abuse. Compliance with the policies and procedures developed by the Center are incorporated as duties of NGBs and are therefore a requirement of NGB status.
- Response and Resolution. The Center shall maintain an office for *response and resolution* that shall establish mechanisms that allow for the reporting, investigation, and resolution of alleged sexual abuse.
- Policies. The policies and procedures developed by the Center must include the following:
 - *Mandatory Reporting...* requires that (a) all adult members of an NGB body or a facility under the jurisdiction of an NGB or at any event sanctioned by an NGB, and (b) all adults authorized by such members to interact with an amateur athlete, immediately report an allegation of child abuse of an amateur athlete who is a minor to: (i) the Center, and (ii) to law enforcement.
 - *One-on-One Interactions...* include reasonable procedures to limit one-on-one interactions between a minor athlete and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of an NGB without being in an observable and interruptible distance from another adult, except under emergency circumstances.
 - *Prohibit Retaliation...* include procedures to prohibit retaliation, by any NGB against any individual who makes a report.
 - *Oversight Procedures....* Include oversight procedures, including (a) regular and random audits of each NGB to ensure that policies and procedures are followed correctly and (b) that consistent training is offered and given to (i) all adult members who are in regular contact with minor athletes, and (ii) subject to parental consent, to minors, regarding prevention of child abuse.
 - *Mechanism for Reporting...* A mechanism for NGBs to share reports of suspected child abuse.
 - *Summary Suspensions...* NGBs may prohibit an adult who is subject to an allegation of child abuse to interact with minor athletes until resolution of the allegation.

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Policy Name: NGB Athlete Safety Policy

Date of Issuance: 1/1/2018

Policy Owner: Director of SafeSport

Applies to: NGBs

Purpose:

Consistent with USOC Bylaws, NGBs are required to abide by the policies and procedures of the USOC and the USOC-designated independent safe sport entity, the US Center for SafeSport (the “SafeSport Entity”). In addition, each NGB must maintain an effective athlete safety program of its own. This policy sets out these obligations and how they are related to one another.

Policy Statement:

Each NGB must maintain an athlete safety program that includes, at a minimum, the following components, all of which should be published in a common area in the NGB’s online resources:

1. Prohibited Conduct

A policy that prohibits and defines misconduct including bullying, hazing, harassment (including sexual harassment), emotional misconduct, physical misconduct, and sexual misconduct – including by direct reference to the SafeSport Entity’s SafeSport Code for the U.S. Olympic and Paralympic Movements (the “Code”) (except that, during a transition period ending no later than December 31, 2018, an NGB may use definitions and concepts functionally consistent therewith, in place of the direct reference).

The policy must account for the SafeSport Entity’s person jurisdiction (as defined by the NGB’s designated categories of “Covered Individuals” as that term is defined in the Code,) and the fact that all such individuals are subject to such jurisdiction, policies, and procedures, including by explicitly setting out that the policy applies to all Covered Individuals.

For clarity, the policy shall apply at least to (1) NGB employees; (2) athletes the NGB designates for the USADA required testing pool (RTP); and (3) individuals the NGB formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.

The policy must account for the SafeSport Entity’s exclusive and discretionary subject matter jurisdiction as set out in the Code, and provide for the NGB itself to address matters falling outside that subject matter jurisdiction.

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2. Criminal Background Checks

A policy that requires criminal background checks, at least every two years, for those individuals the NGB formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes.

As to individuals newly taking such a role, the policy should specify that such checks will be completed before contact with athletes begins and in any event within 60 days of the new role. An NGB is considered to formally authorize, approve or appoint an individual in instances where the NGB has control over the appointment process.

Among other things, the policy must have the effect of requiring criminal background checks for any non-athlete individual that an NGB or the USOC authorizes to train, stay, or work at an Olympic Training Center.

The policy should include NGB tracking and periodic checks for compliance.

The policy should include NGB publication of a list, updated at least annually, of those categories of people included in this requirement, taking into account the specifics of the NGB's organization.

An NGB may decide that its background check requirements will not apply to certain or all people under 18 years of age, provided that it clearly publishes that fact in its policy documentation.

3. Education & Training

A policy requiring education and training concerning the key elements of the NGB athlete safety program for (1) those individuals it formally authorizes, approves or appoints (a) to a position of authority over, or (b) to have frequent contact with athletes; and (2) NGB staff.

Among other things, the policy must apply to any non-athlete an NGB authorizes to train reside or work at any Olympic Training Center (as such individuals will be expected to demonstrate successful completion of the education and training program before being granted such access).

As to individuals newly taking such a role, the policy should specify that such education will be completed before contact with athletes begins and in any event within 60 days of the new role.

The required education and training should be based on directly links to materials and information available from the SafeSport Entity, and may include additional NGB materials that are not inconsistent therewith.

The policy should include NGB tracking and periodic checks for compliance.

The policy should include NGB publication of a list, updated at least annually, of those categories of people included in this requirement, taking into account the specifics of the NGB's organization.

4. Reporting

The policy must include a procedure for reporting misconduct to Safe Sport Entity and the NGB, which takes into account the Code, and has the effect also of addressing matters that fall outside the SafeSport entity's jurisdiction.

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The policy should be clear that reporting may be made anonymously, and that no direct fees or other cost is involved in making a report.

5. Enforcement

Each NGB must enforce its athlete safety policy, consistent with the Safe Sport Entity and its Code.

The policy must include a grievance process, which is materially free of bias and conflicts of interest, to address allegations of misconduct following the report or complaint of misconduct that falls outside the SafeSport entity's jurisdiction.

This grievance process, whether by policy or operation of law, shall include the opportunity for review by a disinterested individual or body.

6. Additional Terms of This USOC Policy

This USOC policy may be amended from time to time by vote of the USOC Board of Directors.

In implementing its athlete safety program consistent herewith, NGBs shall be guided by the principle that supporting the health and safety of its athletes is a key element of its managerial capabilities.

All NGB policies must comply with NGB requirements under the Ted Stevens Olympic and Amateur Sports Act.

Limited exceptions to this USOC policy may be granted by the USOC on a case-by-case basis where appropriate, provided that such exceptions do not materially impact athlete safety.