



To: USA Hockey Board of Directors and Annual Congress Attendees

Fr: Casey Jorgensen, General Counsel

Date: June 4, 2019

Re: Status Update on Changes to USA Hockey SafeSport Program

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As many of you know, the United States government enacted the Protecting Young Victims from Sexual Abuse and SafeSport Authorization Act of 2017 (the "SafeSport Authorization Act") on February 14, 2018. Pursuant to the SafeSport Authorization Act, the U.S. Center for SafeSport ("USCSS") adopted Minor Athlete Abuse Prevention Policies, dated January 23, 2019 (the "MAAPP"), which include policies that the SafeSport Authorization Act requires be adopted by all national governing bodies ("NGBs") recognized by the United States Olympic Committee (the "USOC"). The USCSS has also adopted the SafeSport Code for the U.S. Olympic and Paralympic Movement (the "USCSS Code"), which includes information and policies and procedures to which the USOC, all NGBs recognized by the USOC, and all programs recognized by an NGB must comply.

Since the 2019 Winter Meeting, a group of SafeSport Coordinators, Legal Council members and staff have been working on addressing the changes necessary for USA Hockey's SafeSport Program, as a result of the adoption of the SafeSport Authorization Act, MAAPP, USCSS Code and USOC requirements. This memorandum summarizes those changes, which are outlined in the revised SafeSport Handbook.

### **SafeSport Policies**

1. The USOC requires that all NGBs adopt the definitions used by the USCSS for all types of misconduct. Accordingly, the USA Hockey SafeSport Handbook has undergone extensive changes to adopt policy definitions for behaviors such as emotional misconduct, physical misconduct, bullying, etc.
2. USA Hockey is required to adopt the MAAPP policies. USA Hockey has had many of these policies in place (locker room policies, electronic communications, travel), but made some changes to those existing policies and added policies addressing One-on-One Interactions and Athletic Training Modalities.
3. The One-On-One Interactions Policy specifically *prohibits one-on-one interactions* between



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adult members of USA Hockey or those authorized by a USA Hockey program to have regular contact with or authority over minors, unless they occur at an observable and interruptible distance by another adult. There are exceptions for emergency circumstances.

4. The SafeSport Policies had applied to persons within the definition of “Covered Individuals.” The USCSS changed this term to “Participants” in order to avoid confusion with references to Covered Individuals in the SafeSport Authorization Act. The persons within the definition of Participants has had only minor changes.

5. The USCSS also requires that NGBs adopt policies regarding violations of the USCSS policies for reporting, abuse of process and aiding and abetting the violation of suspensions.

### **Jurisdiction**

6. The USCSS continues to have exclusive jurisdiction over all allegations of Sexual Misconduct.

7. The USCSS has discretionary jurisdiction to investigate and resolve allegations of other violations of the USA Hockey SafeSport Handbook or the USCSS Code. This means the USCSS can take jurisdiction over a case if they elect to do so.

8. USA Hockey retains the authority and jurisdiction to investigate and address any allegations of violations of the USA Hockey SafeSport Handbook and/or USCSS Code that are not within the USCSS’s exclusive jurisdiction. However, in the event that the USCSS exercises jurisdiction of a matter within its discretionary jurisdiction, then USA Hockey, USA Hockey Affiliates and/or Member Programs shall no longer exercise jurisdiction over the matter.

9. Prior to the USCSS expressly exercising jurisdiction, USA Hockey, USA Hockey Affiliates and/or Member Programs may implement necessary and/or appropriate measures, up to and including a suspension, to address any allegations of misconduct. If, and when, the USCSS expressly exercises jurisdiction over particular allegations USA Hockey, USA Hockey Affiliates and Member Programs 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. USA Hockey, or an Affiliate or Member Program in consultation with USA Hockey, may implement any necessary safety plan(s) or interim measure(s) to address safety of other Participants.

### **Mandatory Reporting**

10. Any adult authorized by USA Hockey, a member of USA Hockey, or any Member





Program, to interact with a Minor or amateur athlete is considered a mandatory reporter and if any such person learns of facts that give reason to suspect that a child has suffered an incident of Child Abuse, including sexual abuse, he/she shall as soon as possible make a report of the suspected abuse to both the USCSS and to applicable law enforcement authorities.

### **SafeSport Training**

11. SafeSport Training is required for all adults that have regular contact with minors which, as explained more fully below, includes adult-aged players on the same team with minor athletes.

12. Beginning this season, SafeSport is required every year rather than every other year.

13. Anyone who completed training in the most recent season (2018-19) will retain valid training status for 2019-20, and will complete training annually beginning in 2020-21.

14. A person must first take the course known as “Core Center for SafeSport Training,” which is taken online and generally takes approximately 90 – 120 minutes to complete. After that a “Refresher Course” is available each subsequent year for a person that has completed the Core Center for SafeSport Training. The Refresher Course generally takes 30 minutes or less to complete. There is no cost to members of USA Hockey to complete either training course.

15. Training must be completed before a person begins having regular contact with minor athletes, but no more than 45 days after beginning the role that requires them to complete training.

16. Because we do not want players or officials turning 18 to become ineligible in the middle of a season, USA Hockey is requiring that all players 17 years of age or older on or before December 31 of that playing season and who play on a team in a classification that allows minor age players complete SafeSport Training before being added to such team and prior to participation (on-ice or off-ice). This requirement shall apply to all teams in the age classifications Youth, Girls, High School, Junior Hockey, Flex Hockey and Disabled Hockey programs that allow both Minor age and adult age players, and to officials who are turning 17 before December 31.

17. Players and officials that will be 17 when they complete training must obtain parental permission. We have incorporated a parental consent into the player registration, and will communicate with those that registered with USA Hockey prior to the consent being included.

18. There is one training issue remaining open with the Center for SafeSport. USA Hockey’s membership season is April 1 through August 31 of the following year. If a person completed training after April 1<sup>st</sup>, then the training has been valid throughout that season. The Center for





SafeSport believes that training should be valid for no more than 13 months. We will not change our membership season, but we may need to communicate with persons whose training expired midseason to inform them that it is no longer valid. We will let you know the results of discussions with the USCSS.

19. Subject to parental consent, USA Hockey is required to “offer and give” training to minor athletes. The USCSS has created age-specific training and we understand it will be available in June 2019 on the Center’s website. The requirement to “offer and give” training to minors is satisfied by notifying parents of the availability of the training for Minor participants, and how the parents can consent to and access the training for their child. USA Hockey will send out a variety of communications to parents to advise of the training availability.

### **Background Screening**

20. The USOC is in the process of finalizing a policy that will include additional requirements for NGB background check programs. The new policy’s applicability to NGBs is expected to be adopted in September 2019. USA Hockey will be required to come under the policy for the 2020-21 season.

21. USA Hockey will be required to use a single screening program through a single screening vendor managed by USA Hockey.

22. Additional changes include requirements on checking additional types of databases and enhancing the screening criteria that result in “hits.”

23. The fee structure will be “blended” throughout USA Hockey. It is anticipated the fee will be between \$30-\$35. This will include a check of up to three counties where the person has lived in the past seven years (in the existing system this typically costs \$5-\$15 per county).

24. The USOC has negotiated a price point with NCSI and has confirmed they will meet the USOC requirements. USA Hockey may use a different vendor if the vendor meets all of the USOC requirements and has been vetted by the USOC.

25. At this time, screening is *not* required for adult athletes on a team with minors, except for national team athletes. This could change based on congressional input.

26. Screens will be valid for other NGB organizations.

27. Review of screening “hits” will be done at a national level through a structure that is to be determined.





28. A committee will be appointed in the near future to review, plan and structure the national screening program.

### **Unclaimed/Non-Rostered Coaches**

29. Some programs currently do not create rosters for their in-house programs, and thus there is no mechanism to verify whether all coaches have completed SafeSport Training and Background Screening. Even if a coach has not been put on a roster, coaches that are claimed by a program may be reviewed for SafeSport compliance. This issue is currently being reviewed to provide solutions for programs to track their coaches that might not be on a roster. We will then need programs to proactively prohibit un-rostered coaches from being involved.

### **Sanctions**

30. USA Hockey Bylaws provide for suspensions to be effective only within the jurisdiction of the body issuing the suspension. The proposal to address Bylaw 10 changes regarding SafeSport will make all suspensions (i) for violation of the sexual misconduct policies of the USCSS or USA Hockey, or (ii) that is in excess of one year in length, to automatically be considered a national suspension and in effect across all USA Hockey sanctioned programs.

### **Notifying USA Hockey of All Cases and Resolution**

31. USA Hockey is required to report to the Center for SafeSport on all SafeSport reports made to and/or handled by the NGB. Accordingly, all Affiliates must make *timely and complete* monthly reports to USA Hockey on all cases they are addressing and the status and/or resolution of the complaint. USA Hockey provides a form to Affiliates to complete the necessary information.

### **Monitoring and Supervision of the SafeSport Program**

32. All Member Programs must fully implement the SafeSport Program policies, procedures and requirements. This includes that all Affiliates and Member Programs require and enforce the requirement that all coaches, administrators and other adult Participants (program board members, team managers, and others working in the program but not on a roster) who will have regular access to *or* supervision over minor Participants have completed SafeSport Training and background checks as a condition of their participation

33. Affiliates shall conduct regular reviews/audits of (a) all Affiliate officers, board members, staff and volunteers, and (b) all officers, board members, staff and volunteers of each Member Program within the Affiliate, to confirm that all persons who are required to complete SafeSport





Training or a background screen have done so prior to such persons having authority over or regular contact with Minor athletes.

34. Affiliates shall require that all Member Programs, as a condition of being a member of the Affiliate and a sanctioned USA Hockey program, must execute and deliver an agreement (which may be included within the Affiliate's other agreements with such Member Programs), under which the Member Program agrees to comply with all SafeSport Policies of the USOC, the USCSS and USA Hockey.

35. The Affiliate shall be responsible for issuing appropriate sanctions against noncompliant Member Programs of the SafeSport Program policies or requirements. It is expected that initially a written warning would be given to the Member Program, administrator or coach, and subsequent incidents would result in more significant sanctions, including fines to a program, and/or temporary or permanent suspension of a Member Program, team, administrator or coach from USA Hockey activities. Such sanctions shall be in the Affiliate's discretion, but shall be subject to the applicable rights under USA Hockey Bylaw 10.

### Communication

36. USA Hockey is developing a communication plan to notify programs and the hockey players that will be required to complete training of these new requirements. Some notice has already been included in member registration materials, and additional emails will go out over the next few weeks.

*Thank you to the following group of people that have been involved in reviewing the various requirements and working together to provide solutions to problems and revisions to our SafeSport materials:*

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