

SECTION VI: REPORTING, RESPONSE, & RESOLUTION

Reporting a Concern

To USA Basketball

To report a concern involving alleged sexual misconduct¹, physical misconduct, emotional misconduct, violations of the MAAPP, or child abuse, to USA Basketball, an individual may submit a form online: <https://www.usab.com/youth/safesport/report-an-incident.aspx>. Individuals may submit a report anonymously by typing in “ANONYMOUS” where it says, “Party 1 Full Name” or they may call USA Basketball at 719-590-4800 and request to remain anonymous.

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

To the U.S. Center for SafeSport

The U.S. Center for SafeSport (the “Center”) accepts all reports of sexual abuse and child abuse within the U.S. Olympic and Paralympic Movement. The Center also accepts reports of emotional and physical misconduct (including but not limited to bullying, hazing, stalking, and harassment) within the U.S. Olympic and Paralympic Movement. Reports of emotional and physical misconduct can also be reported directly to USA Basketball, above. Individuals may also submit a report to the U.S. Center for SafeSport here:

- Online: <https://uscenterforsafesport.org/report-a-concern/>
- Phone: 833-5US-SAFE (587-7233)

The Center is available 24 hours a day, with an operator and Monday through Friday from 9 a.m.-5 p.m. (MT).

If an individual suspects child abuse or neglect, they should report it to their local authorities before notifying USA Basketball and/or the U.S. Center for SafeSport. If an individual is a mandatory reporter, they are required by law to do so. Additional information on when a person must make a report to law enforcement can be found at www.childwelfare.gov.

To the USOPC

Individuals may also contact the United States Olympic & Paralympic Committee’s (“USOPC”) Office of Athlete Safety to report any allegations of abuse. The USOPC will report all allegations of sexual misconduct, and child abuse, to the U.S. Center for SafeSport. The USOPC will also refer allegations of emotional or physical abuse, or violations of the Minor Athlete Abuse Prevention Policies (MAAPP) that don't fall under the USOPC's jurisdiction to the U.S. Center for SafeSport and/or USA Basketball. Individuals may report an incident to the USOPC's office of Athlete Safety by calling (719) 866-3869.

To Law Enforcement

All cases of suspected emotional, physical, or sexual abuse of a minor (under the age of 18) must be reported to law enforcement immediately. Filing a report with the USOPC's Office of Athlete Safety, the U.S. Center for SafeSport or USA Basketball does not satisfy this obligation.

¹ Reports of sexual misconduct and child abuse must also be reported to the U.S. Center for SafeSport. USA Basketball will forward any reports of sexual misconduct or child abuse to the U.S. Center for SafeSport.

Anonymity; No Cost

Please note, any report made to USA Basketball or the U.S. Center for SafeSport may be submitted anonymously and at no cost to the reporter.

Referral of Report to the Center

Any report received by USA Basketball of an allegation that falls within the Center's exclusive jurisdiction must be referred directly to the Center immediately and no later than within 24 hours. This action is performed by USA Basketball's Safe Sport Manager or the Administration Director upon receipt of an online incident report form, voicemail message or incoming call which in turn is submitted online via the Center's reporting portal.

Jurisdiction Notification

USA Basketball will promptly inform an identified reporting party of its jurisdictional determination regarding their report, communicating that the matter either is being referred to the Center or is being addressed solely by USA Basketball.

MANDATORY REPORTING REQUIREMENTS RELATED TO CHILD ABUSE, INCLUDING CHILD SEXUAL ABUSE

The reporter's vital job is simply to report the allegation to the appropriate entity(ies). DO NOT evaluate the credibility of the allegation or investigate it; report immediately.

Child Abuse

An Adult Participant (as defined in Section I) who learns of information or reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, must immediately:

- a) Make a report to law enforcement AND
- b) Make a report to the U.S. Center for SafeSport
AND
- c) Comply with any other applicable reporting requirements under state law.

U.S. Center for SafeSport

Reporting to the Center alone is not sufficient. Individuals must report to both the Center and to law enforcement, and comply with any other applicable state or federal laws. Child abuse includes incidents that involved a victim who is a minor at the time of the alleged incident, even if the victim is now an adult.

- If a *Participant* becomes aware of an allegation of *Sexual Misconduct* or *Child Abuse*, or *Retaliation* the *Participant* MUST report this to the *Center* IMMEDIATELY.

–AND–

Law Enforcement

Report *Child Abuse* to Law Enforcement. 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 *Center* IMMEDIATELY. Please visit <https://www.childwelfare.gov/topics/responding/reporting/how/> for more information on reporting to law enforcement/child protective services.

Sexual Misconduct

An Adult Participant (as defined in Section I) who learns of information or reasonably suspects that a Participant has committed sexual misconduct (other than child abuse, above) or has retaliated against a participant (as described below), must immediately:

- Make a report to the U.S. Center for SafeSport

A Participant may make a report to USA Basketball, but a report to USA Basketball alone is not sufficient.

Other Misconduct, Including Emotion or Physical Misconduct, MAAPP Violations

An Adult Participant (as defined in Section I) who learns of information or reasonably suspects that a Participant has committed physical or emotional misconduct, a MAAPP violation, or another violation of this Handbook, must:

- Make a report to USA Basketball

A Participant may make a report to USA Basketball, but a report to USA Basketball alone is not sufficient.

Prohibition of Retaliation

USA Basketball expressly prohibits the retaliation against a reporting party or protected individual before, during, and after the process (whether led by USA Basketball or by the Center) of resolving an abuse or misconduct allegation.

“Retaliation”, as used in the preceding sentence, includes but is not limited to, any adverse or discriminatory action, or the threat of an adverse or discriminatory action, including removal from a training facility, reduced coaching or training, reduced meals or housing, and removal from competition, carried out against a “protected individual” as a result of any communication, including the filing of a formal complaint, by the protected individual or a parent or legal guardian of the protected individual relating to the allegation of physical abuse, sexual harassment, or emotional abuse, with--

- (A) the Center;
- (B) a coach, trainer, manager, administrator, or official associated with the corporation;
- (C) the Attorney General;
- (D) a Federal or State law enforcement authority;
- (E) the Equal Employment Opportunity Commission; or
- (F) Congress.

A “protected individual” means any amateur athlete, coach, trainer, manager, administrator, or official associated with the USOPC or USA Basketball.

No Interference

USA Basketball shall not interfere in, attempt to interfere in, or attempt to influence the outcome of, any Center investigation.

Responsiveness to Requests from the Center

For any requests from the Center regarding the eligibility status of a participant, USA Basketball’s Safe Sport Manager (or Administration Director) checks all internal databases and spreadsheets for any participation history. In addition, Safe Sport Manager (or Administration Director) contacts a USA Basketball staffer with each of the men’s, women’s, youth, and media’s department to cross reference the name with their respective records and databases. With their responses, the Safe Sport Manager responds

to the Center within 72 hours with the applicable information. The Safe Sport Manager will review the same internal databases and spreadsheets and confirm with the appropriate department staffer (if applicable) for a Center request of any existence of an organization-imposed temporary measure or safety plan, also within 72 hours of the request.

Response and Resolution of Reported Allegations

Upon a report or other notice of credible information or allegations that a person who may be subject to the jurisdiction of USA Basketball:

1. may have engaged in actual or suspected child physical or sexual abuse, USA Basketball will report the same to the Center and law enforcement;
2. may have committed sexual misconduct, USA Basketball will report the same to the Center;
3. may have
 - a. committed physical misconduct, emotional misconduct, harassment, hazing or bullying;
 - b. violated any other of the provisions of this Handbook or the *Code*;
 - c. committed any of the violations in (1), (2), or (3), above, and jurisdiction has been declined by the Center;
 - d. USA Basketball shall conduct an investigation and/or initiate disciplinary proceedings, where applicable.

Upon notice or allegations which involve misconduct within the exclusive jurisdiction of the U.S. Center for SafeSport, specifically: (a) sexual misconduct; (b) misconduct that is reasonably related to the underlying allegations of sexual misconduct; or (c) retaliation related to an allegation of sexual misconduct, USA Basketball shall refer the matter to the U.S. Center for SafeSport. USA Basketball will also report matters involving child abuse or neglect to the U.S. Center for SafeSport and law enforcement.

Any investigation shall be overseen by USA Basketball's Participant and Athlete Safety Response Team (PART). PART shall be comprised of the following individuals: USA Basketball's Administration Director, USA Basketball's Chief Financial Officer, and one (1) or more USA Basketball Staff Members as designated by the CEO or their representative.

Notwithstanding the foregoing, if USA Basketball receives a report of child abuse or neglect, USA Basketball will make a report to the proper law enforcement authorities. USA Basketball will generally comply with reasonable written requests from law enforcement to suspend or refrain from investigating Handbook violations, pending law enforcement investigation(s) or action, to the extent such requests would not impede USA Basketball from protecting the health and safety of its participants. Further, USA Basketball shall not conduct any investigation or hearing procedure (with the exception of interim measures in certain circumstances) in response to allegations of child abuse or sexual misconduct, pursuant to the Center's exclusive jurisdiction, unless and as directed by the Center.

USA Basketball recognizes that there are varying levels of misconduct. In all cases, USA Basketball's disciplinary procedures and actions shall be proportionate and reasonable; provided, however, that USA Basketball shall mirror and enforce any sanction or decision levied by the Center, whether permanent or temporary.

Similarly, depending on the nature of the incident reported, an investigation may or may not be conducted, and the extent of that investigation may likewise vary. Some cases may require extensive interviews, while others may require no investigation and a simple warning.

Notwithstanding the foregoing, USA Basketball may address any allegations of misconduct and impose discipline against its staff members in accordance with its employment policies and procedures and other documents governing the employment.

Importance of Confidentiality

The substance of any investigation and/or disciplinary proceedings will be kept confidential until a final decision has been rendered, to the extent possible. An investigator shall not discuss the investigation with anyone except for the purposes of conducting the investigation, and except as requested by law enforcement or child protection authorities or the Center. Hearings should be closed and confidential, to the extent possible, other than for notification of the outcome.

Participants in the hearing, including the Hearing Panel, alleged offender, USA Basketball representative, victim, and any witnesses, may be asked to keep the proceedings confidential, except as requested by law enforcement or child protection authorities or the Center. The hearing panel shall only discuss the proceedings, including testimony and other evidence presented, amongst themselves and shall deliberate among themselves to reach a decision.

Emergency Hearings

Upon receipt of a credible and reasonably substantiated allegation of misconduct and when such allegation suggests that the accused individual's continued participation with USA Basketball poses a risk of ongoing harm to athlete(s) or other participants, PART may submit a grievance and request for emergency hearing to USA Basketball's Safe Sport Hearing Panel, after determining appropriate temporary measures in accordance with USA Basketball's policies and procedures concerning the same.

USA Basketball's Hearing Panel shall include at least 33.3% athlete representation, as required by the USOPC, to determine whether to uphold the temporary measures determined by PART, pending the outcome of a full hearing.

If an emergency hearing is ordered, the Hearing Panel shall conduct the hearing and publish its results within twenty-one (21) days or less. Until such time as the Hearing Panel makes a decision, the proceedings shall be confidential and not subject to disclosure to anyone other than the parties to the hearing and the witnesses.

For the purposes of this Policy, a suspension from involvement in USA Basketball shall mean that, for the duration of the period of suspension, the accused individual may not participate in any capacity or in any role in the activities or affairs of USA Basketball.

Full Hearing

It is recognized that not all discipline necessarily requires a hearing. There may be discipline imposed for minor violations where a reprimand, training or other sanction may be imposed, and a hearing would not be necessary. However, in cases where USA Basketball seeks to suspend or otherwise limit an individual's opportunity to participate in the activities or affairs of USA Basketball, USA Basketball shall provide notice to such individual of the allegations made and offer such individual a hearing on the allegations. If the individual chooses a hearing, a panel of three from the Hearing Panel will conduct a hearing to determine whether it is more likely than not (i.e., by a preponderance of the evidence standard) that the accused individual committed the alleged violation(s), and if so, the appropriate sanction(s). The Panel shall include at least 33.3% athlete representation, as required by the USOPC.

The accused individual shall have the right to: (1) receive written notice of the allegations, including a statement of the allegations; (2) present relevant information to the Hearing Panel; and (3) be represented by legal counsel (at the accused's own expense).

In connection with any hearing, the accused individual must be given a reasonable opportunity to respond to the allegations brought forward. This may or may not include cross examination of the victim.

A hearing date shall be scheduled no more than 90 days and no fewer than 30 days after notice (described below) has been issued, unless modified, as appropriate, by the Hearing Panel, or at the request of either party and as approved in the discretion of the Hearing Panel.

Notice of the allegations and hearing shall be provided either via certified mail or email with return receipt requested, to the individual's address or email address on file with USA Basketball. The individual shall have 10 days to respond, either accepting the proposed sanction, or requesting a hearing.

The hearing shall be closed and confidential, to the extent possible, other than for notification of the outcome.

Findings and Sanctions

The Hearing Panel has the discretion to impose sanctions on the accused individual if it finds that the accused individual has violated this Handbook, including by committing sexual misconduct, physical misconduct, emotional misconduct and harassment, bullying, and/or hazing, based on a preponderance of the evidence.

The Hearing Panel will communicate its findings in writing to the parties. Any sanctions imposed by the Hearing Panel must be proportionate and reasonable, relative to the findings and conclusions of the panel as to what has occurred. The decision regarding the appropriate disciplinary action shall be up to the Hearing Panel deciding each complaint. Appropriate discipline may range from a warning and a reprimand to suspension from involvement in USA Basketball for a period of time or permanently.

Appeal

Either party shall have a right to appeal the Hearing Panel's decision. A notice of appeal, which shall include the basis of the party's appeal, and a \$300 filing fee must be delivered to the Board of Directors within 15 days of the issuance of the written decision from the Hearing Panel.

For appeals of decisions of USA Basketball's Hearing Panel, the Board of Directors shall appoint a panel of three from its members for the Appeal Panel, which Panel shall include at least 33.3% athlete representation, as required by the USOPC.

The Appeal Panel shall consider only the record and documents from the hearing and the appeal briefs of the parties. The appellee shall have the opportunity to file a response, and the appellant a reply. In total, three briefs (the appeal, the response, and the reply) shall be submitted to the Appeal panel.

USA Basketball will mirror and enforce any sanction imposed by the U.S. Center for SafeSport, whether permanent or temporary. Sanctions imposed by the Center shall be appealed against the Center, pursuant to the Center's policies and procedures, and not through the appeal procedures detailed in this section.

Tracking

USA Basketball will record and track (via word/excel spreadsheet or similar method) all reported allegations to include how and when the allegations were responded to and their respective outcomes. It is the responsibility of USA Basketball's Safe Sport Manager and/or the Administration Director to ensure these response and resolution policies are being followed.

Submitting Data of Matters Addressed by the Organization.

USA Basketball will annually submit to the Center data regarding:

- a. Reports of emotional or physical misconduct made to USA Basketball
 - i. Total reported incidents of alleged emotional misconduct

- ii. Total reported incidents of alleged physical misconduct
- iii. Total number of investigations of alleged emotional misconduct
- iv. Total number of investigations of alleged physical misconduct
- v. Total number of violations for emotional misconduct adjudicated by USA Basketball
- vi. Total number of violations for physical misconduct adjudicated by USA Basketball
- b. Reports to USA Basketball that a Participant violated the Minor Athlete Abuse Prevention Policies (MAAPP)
 - i. Total reported incidents of alleged violations of the MAAPP, by policy type
 - ii. Total number of investigations of alleged violations of the MAAPP
 - iii. Total number of violations of the MAAPP
- c. Reports to USA Basketball that a Participant engaged in retaliation
 - i. Total reported incidents of alleged retaliation
 - ii. Total number of investigations of alleged retaliation
 - iii. Total number of violations of retaliation policy

Note: USA Basketball does not have any local affiliated organizations (LAOs) as that term is used in the Code, MAAPP, and other Center policies.

This information will be recorded and tracked in real time by USA Basketball's Safe Sport Manager (or Administration Director) with the use of word/excel documents and email correspondence. Any and all supporting documentation will be saved and filed accordingly for future reference.